

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

DARLA ELLIS,	:	CIVIL ACTION - LAW
	:	
Plaintiff	:	
	:	
VS	:	
	:	
HARRISBURG AREA COMMUNITY	:	
COLLEGE, THOMAS DICK,	:	
individually and in his	:	
capacity as Director of	:	
Student Account and	:	
Cashiering for Harrisburg	:	
Area Community College;	:	
MEREDITH TULLI,	:	
individually and in her	:	
capacity as Human Resources:	:	
Director for Harrisburg	:	
Area Community College; and:	:	
BARBARA L. HUTCHINSON,	:	
individually and in her	:	
capacity as Controller for	:	
Harrisburg Area Community	:	
College,	:	
	:	
Defendants	:	NO: 1:05-CV-02466-YK
: :		

Oral deposition of DARLA ELLIS  
taken pursuant to notice at the Law  
Offices of Archer & Archer, P.C.,  
located at 2515 North Front Street,  
Harrisburg, Pennsylvania, on September 29,  
2006, before Suzanne Minello-Devine,  
Court Reporter and Notary Public,  
there being present.

SUZANNE MINELLO COURT REPORTING  
573 INDIAN RUN DRIVE  
HUMMELSTOWN, PA 17036  
(717) 671-7007

For Defendant: Marshall, Dennehey, Warner  
Coleman & Goggin  
Sharon O'Donnell, Esquire  
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Harrisburg, PA 17112

For the Plaintiff: Archer & Archer  
Thomas Archer, Esquire  
2515 North Front Street  
Harrisburg, PA 17110

WITNESS  
D. Ellis

Examination by Ms. O'Donnell 3

\* \* \* \* \*

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(It was stipulated by and among counsel for the respective parties that reading, signing, sealing, certification and filing are waived, and that all objections, except as to the form of the question, are reserved to the time of trial.)

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...DARLA ELLIS, having been duly sworn as a witness, was examined and testified as follows...

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#### EXAMINATION

BY MS. O'DONNELL:

Q. Good morning, Ms. Ellis. I'm Sharon O'Donnell, as you probably know, and I represent all of the Defendants in this lawsuit. You have been present for most, if not all, of the depositions taken so far in this case.

A. Right.

Q. Notwithstanding the fact that you've probably heard these instructions each and every time a deposition has been taken, but for the sake of

A. Okay.

Q. If you give me an answer to a question that you don't understand, I'm going to assume that you both heard it and understood it and that the answer that you give me is the answer that you mean to give me. Okay?

A. All right.

Q. For any reason if you need to take a break to either consult with your attorney, in any situation other than when a question is pending, to use the facilities, to get a drink, to take a walk, or anything, just let me know and I'll accommodate that request. Okay?

A. All right.

Q. Is there any reason today why you don't believe you can give me truthful and accurate testimony?

A. No.

Q. Do you have any questions for me in terms of the way that this process is going to occur?

A. No, I do not.

Q. Will you, please, state your name for the record.

A. My name is Darla Ellis.

Q. Where do you reside?

4

completeness I'm going to repeat those instructions for you today.

A. Okay.

Q. First and foremost, your answers must be audible and verbal. As you're doing now, you must refrain from nodding your head, shaking your head, or otherwise gesturing in response to a question and that is because our court reporter is taking down everything that we say. Your testimony and my questions will be ultimately transcribed into a booklet form and will be used later on during the lawsuit and some of the proceedings. Do you understand that?

A. Yes, I do.

Q. In addition to keeping your answers audible and verbal, I'm going to instruct you not to answer a question that you don't understand. If I ask a question that is awkwardly phrased, please, don't answer it. Ask me to rephrase or repeat it if you don't hear it because I'm interested in obtaining from you truthful and factual information to the best of your knowledge. I don't want you to speculate. I don't want your personal opinion. I don't want you to guess or make inferences. Give me information from your direct and personal knowledge. Okay?

6

A. 1136, Hedgerow Lane, Harrisburg, Pennsylvania 17111.

Q. Are you currently employed?

A. Yes.

Q. How are you currently employed?

A. I work for the Commonwealth of Pennsylvania for the Department of Public Welfare.

Q. How long have you been employed for the Department of Public Welfare?

A. November 19th of '04.

Q. Since November 19th of '04?

A. Yes.

Q. In what capacity are you employed for the Department of Public Welfare?

A. I'm an info-maintenance case worker.

Q. What does that mean?

A. I'm a welfare case worker. I work with welfare recipients determining what kind of benefits they're eligible for.

Q. What specifically does that involve? Give me a brief synopsis, if you will, of your daily activities?

A. A client comes in applying for benefits and I take that application, interview the client, make a determination as to whether or not they are

1 eligible for the benefits they are seeking.

2 Q. Between October 3rd of 2003 and  
3 November 19th, 2004, how, if at all, were you  
4 gainfully employed?

5 A. I started with the Commonwealth of  
6 Pennsylvania's clerical pool in July of '04. Prior  
7 to that, I worked at a temp agency, Drexel, and that  
8 was from June of '04 to July of '04. Prior to that,  
9 I was in school, in college.

10 Q. And was that Harrisburg Area Community  
11 College?

12 A. Yes, I completed my second degree  
13 there.

14 Q. What degree did you obtain?

15 A. Business management.

16 Q. Is that a two-year degree?

17 A. Yes, it is.

18 Q. What period of time were you just  
19 attending classes and not working, if any, following  
20 October 3rd of 2003?

21 A. Until June of 2004.

22 Q. From October 3rd of 2003 until June of  
23 2004 you only attended classes, did not work; is that  
24 correct?

25 A. I looked for employment and went to

1 A. I have taken several Civil Service

2 Tests, quite a few.

3 Q. When was the last time you took a Civil  
4 Service Test?

5 A. That would be August of this year.

6 Q. Were you applying for a particular  
7 position?

8 A. I took a test for an Aging Services  
9 Specialist, work with the Department of Aging. I  
10 took a test for Corrections Counselor with the State  
11 Prison System. I took three tests in one day, but I  
12 can't recall what the third test was.

13 Q. In addition to taking the test, you  
14 also have to fill out some sort of application; is  
15 that correct?

16 A. Yes, you do.

17 Q. Have you completed applications in  
18 correlation with the tests that you've recently taken  
19 to these various departments within the state  
20 government?

21 A. No. When you take a Civil Service Test  
22 you just schedule yourself for the test, your  
23 credentials, you schedule yourself for the test, go  
24 in and take your test.

25 Q. How would you then be notified if

8

1 school, yes.

2 Q. What type of employment were you  
3 looking for during that period of time?

4 A. I applied with several people. I  
5 applied at Vartan Bank because I have banking  
6 experience. Pennsylvania Higher Education Assistance  
7 Agency. Quite a few temporary agencies, Drexel, SHS  
8 Staffing, JFC Staffing. There were quite a few that  
9 I applied for. New Cumberland Army Depot and the  
10 Mechanicsburg Navy Depot.

11 Q. When you say you applied, can you tell  
12 me whether it was in response to a classified  
13 advertisement or some other means?

14 A. Some were job postings that were out on  
15 the Internet. To get employment with the Federal  
16 Government they have their own web site, USA Jobs.

17 Q. Okay.

18 A. I would go in there and apply for  
19 different positions that were available there.

20 Q. Did you need to take something like a  
21 Civil Service Test to acquire a job with the Federal  
22 Government?

23 A. Not with the Federal Government, no.

24 Q. Did you ever have to take a Civil  
25 Service Test to be awarded a position with an agency?

10

1 someone was interested in interviewing or hiring you  
2 for a position within those departments?

3 A. You would get a job availability survey  
4 asking whether or not you are available or if you're  
5 still interested in the position that you had taken  
6 the test for.

7 Q. Once you completed that survey what  
8 happens next, if you know?

9 A. If they are interested they contact  
10 you and set up an interview.

11 Q. Of the three positions that you applied  
12 for in the various departments this past August, have  
13 you been provided with a survey?

14 A. I received a survey for one.

15 Q. Which one was that?

16 A. That was for Corrections Counselor.

17 Q. Do you know whether the position of a  
18 Corrections Counselor offers a higher pay scale than  
19 what you're presently receiving?

20 A. Yes, it does, it is a higher position,  
21 it is a lateral position and then there is a higher  
22 position, Correction Counselor I and II.

23 Q. Must you apply for the Corrections  
24 Counselor I or could you also apply for the  
25 Corrections Counselor II?

1 A. If you have the credentials you can  
2 apply for both.  
3 Q. Do you have the credentials to apply  
4 for both?  
5 A. Yes, I did.  
6 Q. Did you receive an interview?  
7 A. Yes, I did receive an interview.  
8 Q. When was that interview?  
9 A. That was in September, that was this  
10 month.  
11 Q. September of '06?  
12 A. Un-huh, September '06.  
13 Q. Is that a yes?  
14 A. Yes.  
15 Q. Was that interview in relation to  
16 application for Corrections Counselor positions I and  
17 II?  
18 A. Yes.  
19 Q. When will you know whether or not  
20 you've been accepted for either of those positions?  
21 A. The decision hasn't been made yet.  
22 Q. How much more money will you make if  
23 you're accepted for either one of those positions?  
24 A. The I is a lateral so it wouldn't be an  
25 increase. The II is maybe \$8,000 more than what I

1 as a deposition exhibit, but I'd like to do that now,  
2 if I may, and this would be Deposition Exhibit No.  
3 25. Have you seen this document before today?  
4 A. Yes, I have.  
5 (At this time Deposition  
6 Exhibit No. 25 was marked for  
7 identification.)  
8 BY MS. O'DONNELL:  
9 Q. Was it prepared with your approval and  
10 consent?  
11 A. Yes, it was.  
12 Q. Now, I would like to draw your  
13 attention to paragraph 16 on page 4 and ask you to  
14 read that sentence to yourself silently and let me  
15 know when you're finished.  
16 A. I'm finished.  
17 Q. The sentence reads, "At all relevant  
18 times each of the Defendants had a supervisory role  
19 over the Plaintiff." Did I read that correctly?  
20 A. Yes.  
21 Q. Is that true?  
22 A. If not supervisory they were next in  
23 the chain of command.  
24 Q. Would Meredith Tulli be next in the  
25 chain of command over you?

12

1 make a year now.  
2 Q. Would there be additional benefits or  
3 anything different, different hours, something that  
4 improves the quality of your job by taking a position  
5 as a Corrections Counselor I or II over what you're  
6 doing presently?  
7 A. No. If you're going inside a state  
8 correctional facility you're more at risk. I'm more  
9 at risk than where I am at the welfare office.  
10 Q. It is not exactly improving your  
11 quality of life taking a position as a Correction  
12 Counselor I or II?  
13 A. No, it is not. Well, your income would  
14 be more, but you're more at risk because you're  
15 within the institution with the inmates.  
16 Q. Notwithstanding the risk, you're still  
17 interested in the position?  
18 A. Yes, I am. My Bachelor's Degree is in  
19 Criminal Justice.  
20 Q. I'd like you to take a look, if you  
21 will, Mr. Ellis, at the Federal Court Complaint,  
22 which is the first document in the stack of documents  
23 that I placed in front of you before your deposition  
24 started.  
25 This document has not yet been marked

14

1 A. No, she would not.  
2 Q. So is that sentence correct?  
3 A. I can't say.  
4 Q. Well, this pleading was filed with your  
5 consent and approval; is that correct?  
6 A. Correct.  
7 Q. Did you read it before it was filed?  
8 A. Yes.  
9 Q. And did you --  
10 MR. ARCHER: I'll object to the  
11 question. I think it is asking her to provide legal  
12 conclusion.  
13 MS. O'DONNELL: Well, subject to  
14 objection, Ms. Ellis -- and I'm not asking you to  
15 testify to a legal conclusion. I'm simply asking  
16 whether, in fact, Meredith Tulli had a supervisory  
17 role over you at the time that you were employed at  
18 the Harrisburg Area Community College.  
19 THE WITNESS: I wouldn't say  
20 supervisory. I would say she was higher up in the  
21 chain of command above my supervisor.  
22 BY MS. O'DONNELL:  
23 Q. Paragraph 17, if you would, please,  
24 read that paragraph to yourself and let me know when  
25 you're finished.

1 A. All right.  
 2 Q. That sentence indicates that you filed  
 3 a complaint with the Pennsylvania Human Relations  
 4 Commission on February 1st of 2002 alleging racial  
 5 discrimination against Harrisburg Area Community  
 6 College, does it not?  
 7 A. Yes.  
 8 Q. Is that true?  
 9 A. Yes.  
 10 Q. What was the precise nature of the  
 11 racial discrimination that you complained to the PHRC  
 12 about?  
 13 A. I complained about not being able to  
 14 take classes as other individuals were allowed to  
 15 take classes.  
 16 Q. When you say other individuals, do you  
 17 mean other individuals who are African American or  
 18 only those individuals that were Caucasian or some  
 19 other race?  
 20 A. Caucasian or some other race.  
 21 Q. When you filed your complaint with the  
 22 Pennsylvania Human Relations Commission, did you mean  
 23 to suggest that no other African American employee at  
 24 the Harrisburg Area Community College was ever  
 25 allowed to take a class during the day or prevented

1 A. Because I was not allowed to take  
 2 classes. I had asked from the time that I started to  
 3 be allowed as I was told in my interview and I was  
 4 not allowed to.  
 5 Q. Are you saying that within your  
 6 department white women were you allowed to take  
 7 classes during the day from the time that you were  
 8 hired until the time you filed your complaint in  
 9 February 1st of 2002?  
 10 MR. ARCHER: Objection.  
 11 MS. O'DONNELL: There is no objection  
 12 -- pardon me.  
 13 MR. ARCHER: There is an objection.  
 14 MS. O'DONNELL: There is an objection  
 15 but you can answer the question.  
 16 BY MS. O'DONNELL:  
 17 Q. Are you saying --  
 18 MR. ARCHER: I'm quite certain there is  
 19 an objection.  
 20 BY MS. O'DONNELL:  
 21 Q. Were you saying to the Pennsylvania  
 22 Human Relations Commission on February 1st, 2002,  
 23 when you filed your complaint, that there was a white  
 24 woman who was allowed to take classes during the day  
 25 and you were not?

1 from taking a class?  
 2 A. No, I did not.  
 3 MR. ARCHER: Objection to the form.  
 4 BY MS. O'DONNELL:  
 5 Q. What was your intent when you filed the  
 6 complaint with the Pennsylvania Human Relations  
 7 Commission that portrayed the Harrisburg Area  
 8 Community College to discriminate against you on the  
 9 basis of your race in disallowing you to take classes  
 10 during the day?  
 11 MR. ARCHER: Objection to the form.  
 12 THE WITNESS: Can you rephrase that or  
 13 ask that again?  
 14 MS. O'DONNELL: What is the basis for  
 15 the objection?  
 16 MR. ARCHER: Basis for the objection is  
 17 I don't understand it.  
 18 MS. O'DONNELL: Ms. Ellis, do you  
 19 understand my question?  
 20 THE WITNESS: No, I don't.  
 21 BY MS. O'DONNELL:  
 22 Q. What was your intent in filing the  
 23 complaint with the Human Relations Commission  
 24 alleging race discrimination? How did the College  
 25 discriminate against you as a black woman?

1 A. Yes, there were incidents of that.  
 2 Q. When you say there were incidents of  
 3 that, tell me precisely who was allowed to take  
 4 classes within your department during the day?  
 5 A. Do you mean within my department or  
 6 within my division?  
 7 Q. What did you mean when you filed your  
 8 complaint with the PHRC?  
 9 A. I meant within the whole division of  
 10 finance.  
 11 Q. Did Barb Hutchinson oversee the whole  
 12 division of finance?  
 13 A. Yes, she did.  
 14 Q. When she issued an edict that people  
 15 were not allowed to take classes during the day, was  
 16 it exclusively directed to the entire division of  
 17 finance or within your particular area of service?  
 18 A. It was directed to me. She sent out  
 19 that e-mail to all the employees to let them know  
 20 that no one could take classes because of me.  
 21 Q. We'll get to that. If it was directed  
 22 to all employees, do you believe that that memo  
 23 intended to cover all employees irrespective of what  
 24 color their skin was?  
 25 A. Yes.

1 Q. Was that memo issued before or after  
2 February 1st, 2002?  
3 A. Before.  
4 Q. I'd like to direct your attention, if I  
5 may, to paragraph 19 at the top of page 5 and ask you  
6 to read that to yourself silently and tell me when  
7 you're finished.  
8 A. I'm finished.  
9 Q. It reads, "Prior to filing her PHRC  
10 complaint, the Plaintiff had received exemplary  
11 performance reviews." Did I read that correctly?  
12 A. Yes, you did.  
13 Q. I'd like you to look at the next  
14 document in the pile of documents that I've placed in  
15 front of you. Answer to Question 2A-2. I'll tell  
16 you precisely where that is. That would be at top of  
17 page 6. Second sentence in paragraph 2 reads, "In  
18 fact, the only performance review she received was a  
19 favorable review in 1999." Do you see that?  
20 A. Yes, I do.  
21 Q. Can you tell me whether the information  
22 in paragraph 9 of the complaint or the information  
23 contained in paragraph 1 of page 6 in your Answers to  
24 Interrogatories is the correct information?  
25 MR. ARCHER: I'm going to object to the

1 A. That is what that says.  
2 Q. If you look in your Answer to  
3 Interrogatory of 2A-2 at the top of page 6 that says,  
4 "In fact, the only performance review she received  
5 was a favorable review in 1999." Is that correct?  
6 A. That is what that says, yes.  
7 Q. Is it not true that you received  
8 performance reviews, whether they were exemplary or  
9 not, from 1998 to 2002 with the exception of 1999?  
10 A. Rephrase the last part of that  
11 question.  
12 Q. Let me try this a different way. Did  
13 you receive any performance review in 1998?  
14 A. I don't recall.  
15 Q. Did you receive a performance review in  
16 1999?  
17 A. Yes, I did.  
18 Q. How do you know that?  
19 A. I have a copy of it.  
20 Q. Did you receive a performance review in  
21 the year 2000?  
22 A. Not that I recall.  
23 Q. Did you receive a performance review in  
24 2001?  
25 A. Not that I recall.

20

1 form of the question. I think those are mutually  
2 exclusive statements.  
3 BY MS. O'DONNELL:  
4 Q. For the record then, let's read them  
5 next to each other. Paragraph 19 in the complaint  
6 reads, Prior to filing her complaint, Plaintiff had  
7 received exemplary performance reviews. Would you  
8 agree with me, Ms. Ellis, that the complaint that we  
9 are talking about presently is February 1st of 2001?  
10 A. Say that again?  
11 Q. Okay. Look at paragraph 19 of the  
12 complaint. That reads, "Prior to filing her PHRC  
13 complaint, Plaintiff had received exemplary  
14 performance reviews." Did I read that correctly?  
15 A. Yes, you did.  
16 Q. And the PHRC complaint that we just  
17 talked about was filed on February 1st of 2001,  
18 correct?  
19 A. I thought it was 2002.  
20 Q. Pardon me. February 1st of 2002, you  
21 are correct.  
22 A. Okay.  
23 Q. Your sentence 19 in your complaint  
24 means that prior to February 1 of 2002 you received  
25 exemplary performance reviews; is that correct?

22

1 Q. Did you receive a performance review in  
2 2002?  
3 A. Not that I recall.  
4 Q. In fact, the only performance review  
5 that you recall you recall being exemplary; is that  
6 correct?  
7 A. Repeat that.  
8 Q. Do you know what the word exemplary  
9 means?  
10 A. Yes, I do.  
11 Q. The only performance review that you  
12 recall receiving you recall being exemplary; is that  
13 correct?  
14 A. I don't know if exemplary is the  
15 correct terminology. I received a favorable review  
16 in 1999. As I said, I can't recall whether or not it  
17 was exemplary or not. There were no performance  
18 issues listed in the review.  
19 Q. The word exemplary in the pleading  
20 might not be the right word; is that correct?  
21 A. I can't say yes or no to that question.  
22 Q. Let's go down to paragraph 23 in your  
23 complaint. That reads, again, that is on page 5 of  
24 the complaint, "Plaintiff's filing of her PHRC  
25 complaints as well as her expressed interest in



1 participating in a minority caucus group constituted  
 2 protected activities pursuant to 42 USC Section  
 3 2000E-5 and in parentheses title Roman 7. Did I read  
 4 that correctly?  
 5 A. Yes, you did.  
 6 Q. What does it mean that you expressed an  
 7 interest in participating in a minority caucus group?  
 8 A. That I would have liked to be included  
 9 in that group and attend the meetings that that group  
 10 had.  
 11 Q. Did the group have a name?  
 12 A. Minority caucus.  
 13 Q. Did the group meet on a regular basis?  
 14 A. I do believe they did.  
 15 Q. Do you know when they met?  
 16 A. No, I do not.  
 17 Q. When you say that you expressed an  
 18 interest in participating in the minority caucus  
 19 group, to whom did you express that interest?  
 20 A. The group, the minority caucus group.  
 21 Q. Did you express an interest at a  
 22 meeting?  
 23 A. No.  
 24 Q. Did you express an interest in passing  
 25 to someone in the group?

1 Q. So then do I understand your testimony  
 2 correctly that the only person to whom you expressed  
 3 that interest is this gentleman whose name you can't  
 4 pronounce?  
 5 A. Correct.  
 6 Q. In paragraph 24 it states, "At all  
 7 relevant times each of the Defendants to this action  
 8 knew or should have known that Plaintiff had  
 9 participated in protected activity under state and  
 10 federal law."  
 11 Assuming that in paragraph 23 above it  
 12 reads that your participation in a minority caucus  
 13 group constitutes protected activity, my question to  
 14 you is: How did you expect Thomas Dick to know or  
 15 should have known that you expressed an interest in  
 16 participating in the minority caucus group if you  
 17 didn't tell him?  
 18 MR. ARCHER: I'll object on several  
 19 grounds. One, it is causing her to make a legal  
 20 conclusion as to what is protected activity.  
 21 Protected activity -- I'm also going to object  
 22 because it assumes that the only protected activity  
 23 that is referred to there is interest in joining a  
 24 minority caucus group.  
 25 MS. O'DONNELL: Let me explain the

24

1 A. Yes.  
 2 Q. Did you express an interest in passing  
 3 to more than one person in the group?  
 4 A. I don't recall.  
 5 Q. Do you recall the name of the person to  
 6 whom you expressed that interest?  
 7 A. Yes.  
 8 Q. What was the name of that person?  
 9 A. It is Getachew -- I can't even say it.  
 10 Q. I think we'll see an exhibit later on  
 11 in your deposition and you tell me whether or not  
 12 that is the person you're thinking of. Okay?  
 13 A. Okay.  
 14 Q. Did this person whose name you can't  
 15 pronounce have a rent position within the group?  
 16 A. I don't know.  
 17 Q. How did you come to know that he would  
 18 be a person to talk to and to express your interest  
 19 about being a member?  
 20 A. I don't recall.  
 21 Q. Do you recall that you expressed an  
 22 interest in participating in this minority caucus  
 23 group within the department for which you worked at  
 24 HACC?  
 25 A. No.

26

1 reason why I crafted the question that way. It was  
 2 because if I asked whether it applied to both, you  
 3 would object on the basis it was compound so I took  
 4 it out.  
 5 BY MS. O'DONNELL:  
 6 Q. Ms. Ellis, I do not mean to ask you to  
 7 draw a legal conclusion about whether or not anybody  
 8 was correct or incorrect in determining whether  
 9 joining a minority caucus group is a protected  
 10 activity under the law. I don't expect you to know  
 11 that. I expect your lawyer to know that, not you.  
 12 All I'm asking you is does this  
 13 sentence mean that you expected Mr. Dick to know that  
 14 you had expressed an interest in participating in a  
 15 minority caucus group even though you just testified  
 16 that you didn't tell him?  
 17 A. Mr. Dick addressed me about  
 18 participating in a minority -- actually, accused me  
 19 of participating in these meetings.  
 20 Q. Am I to infer then correctly from that  
 21 testimony that somehow Mr. Dick found out that you  
 22 had expressed an interest in participating in the  
 23 minority caucus group, although you didn't tell him?  
 24 A. Correct.  
 25 Q. How about Barbara Hutchinson, how would



1 she know or why should she have known that you had  
2 expressed an interest in participating in the  
3 minority caucus group if you didn't tell her?

4 MR. ARCHER: I'm going to object. The  
5 complaint says that each of the Defendants knew or  
6 should have known that the Plaintiff participated in  
7 protected activity under state and federal law.

8 MS. O'DONNELL: And protected activity  
9 above --

10 MR. ARCHER: Excuse me.

11 MS. O'DONNELL: -- is defined as both.

12 MR. ARCHER: No, it is not. That  
13 statement means that all of the Defendants, any of  
14 the Defendants, could have known of one, the other,  
15 or both.

16 MS. O'DONNELL: Let her answer. You  
17 don't have to testify for her.

18 MR. ARCHER: Your question assumes that  
19 Barbara Hutchinson knew about one or the other and  
20 that just is not true.

21 BY MR. O'DONNELL:

22 Q. Is that true, Barbara Hutchinson didn't  
23 know?

24 A. As per Barbara's testimony, Tom  
25 reported to her so that is probably how she found

1 A. I can't give a definite time or date.

2 Q. Was it around the time that you had  
3 expressed the interest in participating?

4 A. No, it was after the filing of the  
5 Human Relations complaint.

6 Q. Of the first or the second Human  
7 Relations complaint?

8 A. The first.

9 Q. After February 1st of 2002, Mr. Dick  
10 approached you or accused you of participating in the  
11 minority caucus group. Was it between filings? In  
12 other words, was it between complaints filed with the  
13 PHRC that this conversation occurred?

14 A. I can't elicit a date at this point in  
15 time.

16 Q. You can't recall?

17 A. No.

18 Q. Tell me what he said?

19 A. He said that he knew that I was going  
20 to minority caucus meetings.

21 Q. Were you, in fact, going to minority  
22 caucus meetings?

23 A. No, I was not.

24 Q. You don't know when the minority caucus  
25 meetings were being held?

28

1 out.

2 Q. So the only way you think that Barbara  
3 Hutchinson knew was based on her testimony today that  
4 Tom reported to her?

5 A. Correct.

6 Q. Is that an inference or is that  
7 something you know directly?

8 A. I don't know.

9 Q. As I instructed you earlier today, I  
10 don't want you to guess or speculate or make personal  
11 opinions. I simply want to know the facts. If you  
12 know that Tom Dick told Barbara Hutchinson tell me  
13 that? If you don't know, tell me you don't know.

14 A. I do not know.

15 Q. Do you know whether or not Meredith  
16 Tulli was aware or should have been aware that you  
17 had expressed an interest to participate in the  
18 minority caucus group?

19 A. I don't know.

20 Q. I want to follow-up on something that  
21 you had testified to a few moments ago and that was  
22 that Mr. Dick approached you and I believe your word  
23 was accused you of participating in the minority  
24 caucus group. Tell me more about that? When did it  
25 happen?

30

1 A. No, I do not.

2 Q. Maybe we'll come back to that. I want  
3 to explore further whether in paragraph 24 you know  
4 that Thomas Dick was aware or should have been aware  
5 that you filed the PHRC complaint February 1st of  
6 2002? How do you know that? How do you know whether  
7 or not Thomas Dick was aware of the filing of the  
8 first complaint?

9 A. I don't know.

10 Q. Do you know whether Meredith Tulli was  
11 made aware that you had filed a Pennsylvania Human  
12 Relations complaint as of February 1st, 2002?

13 A. They would have been notified by the  
14 Human Relations Commission, but I don't know  
15 personally when they got that information.

16 Q. Or if they got that information? Do  
17 you know personally whether, in fact, they got that  
18 information from the Pennsylvania Human Relations  
19 Commission?

20 A. How do I know that personally?

21 Q. Well, I'm asking you. Do you have that  
22 knowledge? If you say no, I'll accept that as your  
23 answer.

24 A. No.

25 Q. What about Barbara Hutchinson, do you

1 know personally whether or not Ms. Hutchinson was  
 2 made aware that you filed a complaint with the PHRC  
 3 on February 1st, 2002?  
 4 A. No, I do not.  
 5 Q. Okay. In paragraph 25 you state, "That  
 6 following the filing of your PHRC complaint, again,  
 7 we are still sticking with the February 1st, 2002  
 8 complaint, it says that she, meaning you, was subject  
 9 to repeated abuse, harassment, and adverse employment  
 10 actions by Defendants, plural, substantially based on  
 11 her race and/or participation in protected employee  
 12 activity." Did I read that correctly?  
 13 A. Yes, you did.  
 14 Q. Now, I have a couple of questions. I'm  
 15 going to break that paragraph up into pieces so that  
 16 it is not complicated or convoluted for both of us.  
 17 Okay?  
 18 The first is did Meredith Tulli subject  
 19 you to repeated abuse, harassment, or an adverse  
 20 employment action based on your race after you filed  
 21 the first PHRC complaint?  
 22 A. I can't answer that question. I don't  
 23 know.  
 24 Q. Let me ask you this question: Did  
 25 Barbara Hutchinson subject you to repeated abuse,

1 Q. And Meredith Tulli is a Defendant in  
 2 this case, is she not?  
 3 A. Correct.  
 4 Q. And Barbara Hutchinson is a Defendant  
 5 in this case, is she not?  
 6 A. Correct.  
 7 Q. I'm asking you to explain what you mean  
 8 by what is written in this complaint that you  
 9 reviewed and consented to before it was filed in  
 10 Federal Court. What does this mean?  
 11 A. That I was subjected to abuse,  
 12 harassment, and adverse employment activity.  
 13 Q. By Meredith Tulli and Barbara  
 14 Hutchinson?  
 15 A. They were not directly above me --  
 16 MR. ARCHER: I'm going to object to the  
 17 question because --  
 18 THE WITNESS: You are just digging for  
 19 straws.  
 20 MS. O'DONNELL: No, I'm not digging for  
 21 straws.  
 22 THE WITNESS: Yes, you are.  
 23 MS. O'DONNELL: I'm digging for facts.  
 24 MR. ARCHER: The question reads that  
 25 the Defendants, each of the Defendants, did either

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1 harassment, or an adverse employment action based on  
 2 your race after you filed your first PHRC complaint  
 3 on February 1st, 2002?  
 4 A. I can't answer that question.  
 5 Q. Is that because you don't know?  
 6 A. No, because you're limiting it to the  
 7 first complaint.  
 8 Q. That is how this complaint reads,  
 9 ma'am. This is your complaint. I'm just asking you  
 10 questions about it.  
 11 A. But you're limiting it to the first  
 12 complaint.  
 13 Q. But that is how this paragraph reads?  
 14 A. I can't answer that question.  
 15 Q. Is that because you don't know?  
 16 A. No, because I can't answer the  
 17 question. I don't know what you're looking for. I  
 18 cannot answer that question.  
 19 Q. Let me just ask you to explain then  
 20 what you mean by after you filed your PHRC complaint  
 21 on February 1, 2002, you were subjected to repeated  
 22 abuse, harassment, and adverse employment actions by  
 23 Defendants substantially based on your race. Do you  
 24 see that?  
 25 A. Yes, I do see that.

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1 abuse, harass, or cause adverse employment actions.  
 2 MS. O'DONNELL: I'm getting to the  
 3 either part and then I'll get to the or part. I  
 4 explained that I was going to break up these  
 5 questions in the paragraphs to make it easy to  
 6 understand.  
 7 BY MS. O'DONNELL:  
 8 Q. Do you have any information to support  
 9 the allegations in the complaint based on the fact  
 10 that you were subjected to repeated abuse by either  
 11 Meredith Tulli or Barbara Hutchinson based on your  
 12 race after you filed your first PHRC complaint?  
 13 A. No.  
 14 Q. Do you have any information based in  
 15 fact to support the allegation that you were  
 16 subjected to harassment based on your race by either  
 17 Meredith Tulli or Barbara Hutchinson after you filed  
 18 your first complaint?  
 19 A. No.  
 20 Q. Do you have any facts to support the  
 21 allegations that you were subjected to repeated abuse  
 22 or harassment by Thomas Dick after you filed your  
 23 first PHRC complaint?  
 24 A. Yes.  
 25 Q. Tell me what that abuse and harassment

1 was?

2 A. One instance was when I wanted to get  
3 my books for the upcoming semester, I always got my  
4 books before we left for Christmas break. Tom  
5 devised a new way that I had to comply with to be  
6 able to get my books when I never had to do that any  
7 previous semesters. I had to sign a permission slip  
8 for them to test on my account to be able to get my  
9 books.

10 Q. Sign a permission slip for them to  
11 test?

12 A. To run a book store feed against my  
13 account. Previously, my account had been used  
14 without my permission for testing.

15 Q. Right, I remember seeing memos about  
16 that.

17 A. Yes, there were.

18 Q. I don't understand specifically what  
19 Tom Dick did that was abusive or harassing by  
20 devising a new way for you to get your books?

21 A. Because it was never done before. All  
22 I had to do was go to the book store and ask the book  
23 store manager for my books and get my books. I never  
24 had to sign a permission slip to agree to have them  
25 do testing on my account. I've never given them

1 A. No, I do not.

2 Q. Do you recall when generally it was?

3 A. No, I do not.

4 Q. Do you recall whether it was before you  
5 filed your second PHRC complaint?

6 A. No, I do not.

7 Q. Do you recall whether it was after you  
8 filed your second PHRC complaint?

9 A. No, I do not.

10 Q. But you're absolutely sure it did not  
11 happen before you filed your first complaint?

12 A. I'm positive.

13 Q. How can you be so positive?

14 A. Why would he be handing me job postings  
15 outside of the campus.

16 Q. You can't think of any other reason why  
17 he would hand you a Post-It note --

18 A. No, I do not.

19 Q. Can I finish my question.

20 A. Go ahead.

21 Q. You can't think of any other reason  
22 that he would be handing you a Post-It note for a job  
23 advertisement outside of the campus unless it had  
24 something to do with your filing the PHRC complaint?

25 A. Rephrase that.

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1 permission to do testing on my account.

2 Q. After you signed the permission slip,  
3 do you know whether or not they still did testing on  
4 your account?

5 A. No. Once I complained about it, it  
6 wasn't done again.

7 Q. Did you complain before or after you  
8 had to sign the permission slip?

9 A. I complained before.

10 Q. Do you know if anybody else had to sign  
11 permission slips?

12 A. No, I do not.

13 Q. Does that mean you don't know before or  
14 after you made your complaint?

15 A. No, I do not know either way.

16 Q. Is there anything else that Tom Dick  
17 did that was abusive or harassing after you filed  
18 your first PHRC complaint?

19 A. He gave me a Post-It note with a job on  
20 it that was outside of the campus. It said that I  
21 needed to look at that.

22 Q. Okay. This is after you filed your  
23 first PHRC complaint?

24 A. Yes.

25 Q. Do you recall when precisely it was?

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1 Q. Sure. You can't think of any other  
2 reason besides the fact that you filed your PHRC  
3 complaint that would have given rise or motivated Tom  
4 Dick to hand you a Post-It note with a job  
5 advertisement on it?

6 A. No, I do not.

7 Q. Do you know whether or not he handed  
8 any Post-It notes with job advertisements to white  
9 employees either before or after you filed your PHRC  
10 complaint?

11 A. No, I do not.

12 Q. Is there anything else that you recall  
13 that was abusive or harassing to you following the  
14 filing of your first PHRC complaint by Tom Dick?

15 A. The request for -- we never received  
16 this before, but they requested each employee to  
17 disclose how many employees were going to be taking  
18 classes, how many family members were going to be  
19 taking classes, that had never been done before.

20 Q. All employees or just you?

21 A. All employees within our office.

22 Q. Were there white employees within your  
23 office?

24 A. Yes.

25 Q. Did this happen after the filing of the

1 first PHRC complaint?

2 A. Yes.

3 Q. Did it happen before the filing of the

4 second PHRC complaint?

5 A. I'd have to look through the e-mails.

6 Q. You don't know as you sit here today?

7 A. I don't know.

8 Q. Can we agree it might have happened

9 after the filing of the second PHRC complaint, you

10 just don't recall?

11 A. I don't recall.

12 MR. ARCHER: I'm going to object. The

13 second PHRC complaint wasn't filed until after she

14 left so it is impossible.

15 MS. O'DONNELL: Would you like to sit

16 for the deposition?

17 MR. ARCHER: No, I would not, but I

18 think you're attempting to confuse her.

19 MS. O'DONNELL: I think she should know

20 her lawsuit and I think she does. She can testify.

21 She didn't remember and that is fine.

22 BY MS. O'DONNELL:

23 Q. I understand what you're telling me,

24 there are e-mails out there or some type of memo from

25 Tom Dick to the staff and your former department that

1 plan forms when I needed them.

2 Q. Not allowed to purchase --

3 A. Payment plan forms.

4 Q. What does that mean?

5 A. I wasn't allowed to get the forms that

6 we needed to use for the upcoming semester.

7 Q. When did that occur?

8 A. That would have been for the upcoming

9 fall semester.

10 Q. In '02, '03 or before?

11 A. It would be going into '03.

12 Q. You filed your complaint February 1 of

13 2002. Would it have been for the fall semester of

14 2002 or fall semester 2003?

15 A. Fall semester 2003.

16 Q. You have to buy the forms?

17 A. Yes, buy the forms. You have to have

18 them printed.

19 Q. How much does that cost?

20 A. I have no idea. I just put in a

21 request.

22 Q. Did you ever have to pay for them?

23 A. Me personally?

24 Q. Because you said not allowed to

25 purchase payment plan forms?

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1 essentially requires you all to disclose the nature  
2 of the classes or identify the nature of the classes  
3 you're taking or the nature of the classes that your  
4 relatives are taking?

5 A. Not nature. Who would be using tuition  
6 remission.

7 Q. What does tuition remission mean?

8 A. It means HACC pays for your classes.

9 Q. And you felt that was abusive and  
10 harassing toward you?

11 A. It was never done before that they  
12 needed an accounting of who was going to be taking  
13 classes.

14 Q. Other than filing the PHRC complaint,  
15 you can't think of any other reason why Tom Dick  
16 would need that information?

17 A. No.

18 Q. And does tuition remission mean you  
19 don't have to front the tuition, you submit a form  
20 and HACC pays for it upfront?

21 A. Right.

22 Q. Now, is there anything else that Tom  
23 Dick did that was abusive or harassing towards you  
24 after you filed your first PHRC complain?

25 A. I was not allowed to purchase payment

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1 A. I was not allowed to function in my job  
2 and get the forms that I needed to perform my job  
3 duties.

4 Q. When did that take effect? For the  
5 fall of 2003? What I'm asking you is there was a  
6 point in the summer of 2003 when you took some time  
7 off, right?

8 A. It was the end of August of 2003.

9 Q. How much time did you take off?

10 A. I took off a week.

11 Q. Did he prevent you from purchasing  
12 payment plan forms before you went on vacation or  
13 after you got back from vacation?

14 A. It would have been before.

15 Q. Okay.

16 A. Because the fall semester was ready to  
17 start.

18 Q. How much time before that would he have  
19 prevented you from purchasing payment plan forms?

20 A. There is an e-mail that I sent to him  
21 asking to be able to purchase the forms.

22 Q. And he told you no?

23 A. He finally told me yes, but he  
24 previously told me no.

25 Q. Did he tell you no verbally or did he

1 tell you no in writing?  
 2 A. I don't recall.  
 3 Q. Then ultimately he told you yes?  
 4 A. Yes, he did.  
 5 Q. Then did you purchase those payment  
 6 plan forms?  
 7 A. Yes, I did.  
 8 Q. At the time that he told you no, were  
 9 you primarily responsible for purchasing payment plan  
 10 forms?  
 11 A. Yes, because I was the administrator of  
 12 the plan to keep the forms in-house so then they were  
 13 available for the students to use.  
 14 Q. Oh, I see. You were ordering  
 15 inventory, is that right, you needed forms for the  
 16 students to complete?  
 17 A. Correct.  
 18 Q. You were low on inventory, you needed  
 19 to order them, he told you no?  
 20 A. Correct.  
 21 Q. Eventually, he told you go ahead and  
 22 order them?  
 23 A. Correct.  
 24 Q. Gotcha. Anything else that you can  
 25 think of that he did that was abusive or harassing?

1 use the Banner system to perform that function?  
 2 A. No.  
 3 Q. Were you ever told why the system was  
 4 disabled and why you had to do this work manually?  
 5 A. No.  
 6 Q. He never told you?  
 7 A. No.  
 8 Q. Did you ever ask?  
 9 A. Yes, I did.  
 10 Q. And he didn't tell you why?  
 11 A. No.  
 12 Q. Did you ask verbally or in writing or  
 13 an e-mail?  
 14 A. I asked verbally.  
 15 Q. He wouldn't give you an answer?  
 16 A. I didn't get an answer.  
 17 Q. Anything else that you can think of?  
 18 MR. ARCHER: Any other harassment or  
 19 abuse?  
 20 THE WITNESS: Yes, the day I came back  
 21 from vacation.  
 22 BY MS. O'DONNELL:  
 23 Q. Before we get into that, I want to  
 24 summarize what you've told me so far about Tom Dick.  
 25 A. Okay.

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1 A. Changing my access so I couldn't run  
 2 the payments from the Banner system into the payment  
 3 plan system.  
 4 Q. That was when you came back from  
 5 vacation?  
 6 A. No, it was not.  
 7 Q. That was before?  
 8 A. Yes, it was.  
 9 Q. He changed your access?  
 10 A. Yes, he had it disabled that I could  
 11 not run the payment from the Banner system to flow  
 12 into the payment plan system and that made me have to  
 13 manually adjust the student accounts on the payment  
 14 plan system.  
 15 Q. That took more time obviously?  
 16 A. Yes, it did.  
 17 Q. Do you recall when he disabled the  
 18 computer access and made you do these things  
 19 manually?  
 20 A. That would have been the spring of that  
 21 semester of 2002.  
 22 Q. Spring semester of 2002. So right  
 23 after you filed your PHRC complaint?  
 24 A. Correct.  
 25 Q. Did you ever go back to being able to

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1 Q. He made you sign a permission slip to  
 2 get your books from the book store, you just don't  
 3 recall whether that was 2002 or 2003?  
 4 A. It would have been going into the  
 5 spring semester of -- semesters change over within a  
 6 different year so that would have been the spring  
 7 semester of 2003.  
 8 Q. Spring of 2003.  
 9 A. That was after the filing of the --  
 10 well, it was right before the filing of the  
 11 complaint.  
 12 Q. The complaint was February 1 of 2002?  
 13 A. That would have been in December.  
 14 Q. Of 2002?  
 15 A. Of 2001.  
 16 Q. Now, your complaint says February 1 of  
 17 2002, right, February 1 of 2002 is when you filed  
 18 your PHRC complaint?  
 19 A. But that would have been December  
 20 before we left for Christmas break when I was trying  
 21 to get my books for the upcoming semester.  
 22 Q. This would have happened in December of  
 23 '01?  
 24 A. Yes.  
 25 Q. Before you filed your PHRC complaint?

1 A. Correct.  
 2 Q. We'll scratch that because that didn't  
 3 happen after the filing of PHRC complaint, right,  
 4 it happened before?  
 5 A. It happened before.  
 6 Q. So that doesn't count. The next thing  
 7 you told me about in terms of Tom Dick's abuse or  
 8 harassment after you filed your PHRC complaint on  
 9 February 1, 2002 is that he gave you a Post-It note  
 10 for a job outside the campus?  
 11 A. Correct.  
 12 Q. You didn't know when that happened.  
 13 You just know it happened after the filing?  
 14 A. It was after the filing because it was  
 15 warm out. It was towards the end of the spring  
 16 semester.  
 17 Q. Spring semester 2002, right?  
 18 A. Correct.  
 19 Q. The next thing he did was he made the  
 20 employees within the department disclose whether they  
 21 or their family members planned to use the tuition  
 22 remission plan?  
 23 A. Correct.  
 24 Q. And that had never been done before?  
 25 A. No.

1 the screens that I previously had access to. He  
 2 walked by. I asked him, Tom, is there some reason I  
 3 can't get into the system? He shook a pile of  
 4 payment plan forms at me and told me to come into his  
 5 office.  
 6 Q. Okay. Now, I'm writing so give me a  
 7 minute to get this down. What happened, did you go  
 8 in?  
 9 A. Yes, I went into his office.  
 10 Q. Then what?  
 11 A. He told me students were dropped.  
 12 Q. Right. Did he tell you how many?  
 13 A. No, I did not get a number.  
 14 Q. Did you ask for a number to the best of  
 15 your knowledge or recollection? Did you ask how many  
 16 students were dropped?  
 17 A. No, I did not.  
 18 Q. What is the next thing you remember in  
 19 that conversation?  
 20 A. Him yelling at me and telling me that I  
 21 intentionally did not enter those students so they  
 22 would get dropped.  
 23 Q. And what did you tell him?  
 24 A. I told him I wouldn't intentionally do  
 25 that. As long and as hard as I fought to be able to

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1 Q. Then he told you you couldn't purchase  
 2 payment plan forms for the students to use for the  
 3 upcoming fall semester, but then changed his mind and  
 4 told you you could and that was sometime in 2003?  
 5 A. No, that would have been in 2002. I  
 6 left in August of 2003.  
 7 Q. I have written down that you said 2003.  
 8 Is that wrong? Did I write it down wrong or did you  
 9 say 2003 before?  
 10 A. I'd have to look. There was an actual  
 11 e-mail with the dates on there.  
 12 Q. You just don't remember whether it was  
 13 2002 or 2003?  
 14 A. No, I do not.  
 15 Q. Then you said at some point in the  
 16 spring of 2002 he disabled your access to the  
 17 computer system, into the Banner system, and made you  
 18 manually adjust student accounts?  
 19 A. Right.  
 20 Q. All of that leads up to the day that  
 21 you come back from vacation?  
 22 A. Correct.  
 23 Q. And what happened?  
 24 A. I walked into the office, sat down at  
 25 my desk, I signed on and could not get into any of

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1 take classes, why would I do that to another student.  
 2 Q. What did he say?  
 3 A. He said they were found and it looks  
 4 like you did this.  
 5 Q. I want to stop you there for a second.  
 6 Before you went on vacation, do you remember what you  
 7 did with those forms? Do you remember ever having  
 8 them in your hand?  
 9 A. I never got to see the forms. If I got  
 10 to see the forms to see the student names, I would  
 11 have known whether or not I worked on those accounts  
 12 or not.  
 13 Q. Okay. He shook that pile in front of  
 14 you?  
 15 A. He shook it at me.  
 16 Q. You never held your hand out and said  
 17 let me see them?  
 18 A. No, I never got to see them.  
 19 Q. Did you ask to see them?  
 20 A. It never got to that point. I started  
 21 getting screamed at and I got up and left.  
 22 Q. Is it possible that those forms could  
 23 have been somewhere in your desk or a shelf above  
 24 your desk before you left to go on vacation?  
 25 MR. ARCHER: Object.

1 BY MS. O'DONNELL:

2 Q. The question is: Is it possible?

3 A. No, it is not. It has never happened  
4 since I've done that job, never happened on my desk.  
5 Anything that I receive, the first thing I do is put  
6 their attribute on so they do not get dropped during  
7 the no-pay process. That is the first thing you do  
8 when you get those forms.

9 Q. Do you know whether or not the  
10 attributes were placed on these student accounts?

11 A. I never got to see the accounts to know  
12 whether or not I've ever seen those applications.

13 Q. Were you too angry to ask?

14 A. No, he was too angry to give me the  
15 information.

16 Q. Did you come back on Monday to talk  
17 with Meredith Tulli?

18 A. Yes, I did.

19 Q. Did you ask to see whether or not the  
20 attributes were placed on the student accounts --

21 A. No.

22 Q. -- before you left to go on vacation?

23 A. Say that again?

24 Q. Did you ask to see whether the  
25 attributes were placed on the student accounts before

1 Q. And what did she say?

2 A. I didn't get a response. I don't  
3 recall what the response was.

4 Q. Okay. Between the end of July and the  
5 end of August when you took your vacation, were you  
6 looking for any jobs outside of HACC?

7 A. I don't recall.

8 Q. We've seen before a document dated July  
9 29th, 2003, which is a notification to you that your  
10 position is going to be eliminated effective October  
11 3, correct?

12 A. Right.

13 Q. After you got that letter and before  
14 you went on vacation, had you looked for any jobs  
15 outside of HACC?

16 A. No, I did not.

17 Q. Why not?

18 A. I had no idea they were going to try to  
19 get rid of my job before I got that letter on the  
20 29th of July.

21 Q. But my question is this: After you got  
22 that letter, now you did know that your position was  
23 being eliminated, did you look for any jobs outside  
24 of HACC between July 29th and time that you went on  
25 vacation in August?

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1 you left to go on vacation? Not did you ask Meredith  
2 before you left to go on vacation, but did you ask to  
3 see whether or not the attributes were placed on the  
4 student accounts? Did you look to see if you did  
5 that before you left?

6 A. I never got to see the applications or  
7 the people who were dropped. I never got to see who  
8 those students were.

9 Q. When you sat with Meredith, did you say  
10 I want to see whether or not I did this before I went  
11 on vacation?

12 A. No, I did not. The decision was  
13 already made that they were going to remove me from  
14 that office.

15 Q. But didn't you want to know whether or  
16 not they were right?

17 A. Yeah, I wanted to know.

18 Q. Then why didn't you ask to see?

19 A. Because they had already made their  
20 mind up.

21 Q. Even if they did, wouldn't you want to  
22 know whether or not you actually did or didn't do it  
23 before you left?

24 A. I asked her how do you know these are  
25 applications that I worked on.

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1 A. I don't recall.

2 Q. Were you worried?

3 A. Yeah, I was worried, I have three  
4 children.

5 Q. You don't recall whether or not you  
6 actually started to look for another job outside of  
7 campus?

8 A. I don't recall.

9 Q. Did you look inside of campus?

10 A. I did look around on campus to see what  
11 kind of jobs were available and out there.

12 Q. What did you find?

13 A. Nothing.

14 Q. Before you went on vacation, did you  
15 have a plan in terms of how you were going to make  
16 money after your position was eliminated October 3rd?

17 A. No, I did not.

18 Q. Would you have preferred to just stay  
19 in your position, the same position that you were in  
20 until October 3rd of 2003?

21 A. Yes, I would have preferred that.

22 Q. What were you going to do after October  
23 3rd?

24 A. Look for work.

25 Q. Were you planning on collecting



1 unemployment or something? How were you going to get  
2 money?

3 A. I would apply for unemployment until I  
4 found employment, yes.

5 Q. Did you apply for unemployment?

6 A. Yes, I did.

7 Q. Did you collect it?

8 A. Yes, I did.

9 Q. Until you started to work in June of  
10 the following year?

11 A. Correct.

12 Q. While you took classes?

13 A. Correct.

14 Q. Did you finish your degree in that  
15 time?

16 A. Yes, I did.

17 Q. You don't know whether those 21 student  
18 forms were actually in your desk because you never  
19 got a chance to verify whether that was actually  
20 correct information or not?

21 MR. ARCHER: Objection, objection.

22 MS. O'DONNELL: What is wrong with it?

23 MR. ARCHER: What is wrong with it is  
24 you said you don't know that those forms were in your  
25 desk and it assumes that they were in her desk.

1 stopped working on that job and started doing  
2 something else in the office.

3 Q. Is that something within your  
4 discretion? You could just do that? You can just  
5 say, Tep, okay, you're going to take all of these now  
6 and I'm going to do something else in the office?

7 A. That is who they decided they wanted to  
8 do that work.

9 Q. But I'm asking you if you had that  
10 discretion to give everything over to Tep and say  
11 you're going to do this all now and I'm going to do  
12 something else?

13 A. I did it.

14 Q. Did you have to check with anybody and  
15 say --

16 A. No, I didn't. I did it.

17 Q. You didn't have to or you just did it?

18 A. I did it.

19 Q. You didn't have to check --

20 A. I wasn't told not to and I wasn't told  
21 to do it, but I did it.

22 Q. Okay. Now, I guess the next question I  
23 have is is there an agreement between you and Tep  
24 that he would take over everything? In other words,  
25 you say this is all your problem now. My job is

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1 MS. O'DONNELL: That is true.

2 BY MS. O'DONNELL:

3 Q. Do you know whether or not those forms  
4 were actually in your desk before you left to go on  
5 vacation?

6 A. No, I do not.

7 Q. That is because you didn't have an  
8 opportunity to verify whether or not they were there  
9 when you came back from vacation?

10 A. I had already turned the payment plan  
11 information over to Tep. Once they sent the letter  
12 and told me they were getting ready to get rid of my  
13 job, I turned everything that I had over to Tep and  
14 started helping Cheri with her job.

15 Q. When you say once, you were told that  
16 after you got the letter on July 29th?

17 A. Yes.

18 Q. You turned everything over to Tep?

19 A. Yes, I did.

20 Q. So July 29th or July 30th it is now all  
21 Tep's problem?

22 A. I took everything that I had on my desk  
23 and put it on his desk and gave it to him. If that  
24 is who they wanted to do the job then that is who I  
25 was going to give the information to. I actually

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1 being eliminated. I'm not doing these anymore. I'm  
2 going over to help somebody else and he said, okay,  
3 Darla, that is fine with me. Did he agree with  
4 whatever you did?

5 A. He didn't give it back.

6 Q. He didn't give it back?

7 A. No.

8 Q. Did anybody other than you and Tep  
9 overhear that conversation where you said to Tep  
10 you're going to do all of this now because I'm going  
11 to go over and help somebody else in the department?

12 A. I don't recall.

13 Q. You certainly didn't say to Tom Dick  
14 I'm giving all of this stuff to Tep to do and I'm  
15 going over to help Cheri or someone else in the  
16 department?

17 A. No, I did not.

18 Q. There is an allegation on page 6,  
19 paragraph 27-D, it says, "On or about August 22nd,  
20 2003, Thomas Dick arranged to have campus security  
21 present at and around Plaintiff's work station upon  
22 Plaintiff's return from vacation." Do you see that?

23 A. Yes.

24 Q. Is that a true statement?

25 A. I don't know if he arranged to have

1 them there. He was there when I came in and leaning  
 2 over the top of my work station as Tom was screaming  
 3 at me.  
 4 Q. When you say he, you mean who?  
 5 A. Ken Sellers.  
 6 Q. Do you know Ken Sellers?  
 7 A. I know who he is.  
 8 Q. He's not a friend of yours?  
 9 A. No, he's not.  
 10 Q. Did you have a feeling one way or  
 11 another about him leaning over your desk when Tom was  
 12 screaming at you?  
 13 MR. ARCHER: Objection. Did she have a  
 14 feeling one way or the other?  
 15 MS. O'DONNELL: Yes.  
 16 BY MR. ARCHER:  
 17 Q. Did you have a problem with Ken Sellers  
 18 leaning over --  
 19 A. Yes, I did.  
 20 Q. Did you tell him you had a problem with  
 21 that?  
 22 A. How was I supposed to tell him when I'm  
 23 standing there being screamed at? How was I supposed  
 24 to say anything to him at all?  
 25 Q. Just look at him and say get off my

1 Q. That everyone is getting their reviews  
 2 now?  
 3 A. That everybody had their's.  
 4 Q. He said after it was all done,  
 5 everybody had their review?  
 6 A. Yes, everybody had their review.  
 7 Q. Do you know how about 2002, did anybody  
 8 get a review in 2002?  
 9 A. I don't know.  
 10 Q. How about 2001 do you know if anybody  
 11 got reviews in 2001?  
 12 A. I don't recall.  
 13 Q. How about 2000?  
 14 A. I don't recall.  
 15 Q. How about 1998?  
 16 A. I don't recall because I started in '98  
 17 if I got a six month review in '98. If I did, I  
 18 don't recall a copy of it.  
 19 Q. How about in 1999 do you know if anyone  
 20 other than you got a review?  
 21 A. I don't know.  
 22 Q. The next page 7, Paragraphs I and J at  
 23 the top, you state, "On or about August 25th of 2003,  
 24 Plaintiff was terminated from employment by Thomas  
 25 Dick." Is that a true statement?

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1 desk.  
 2 A. No, I was too busy getting screamed at  
 3 by Thomas Dick.  
 4 Q. Paragraph H, the bottom of the page,  
 5 "Plaintiff did not receive yearly performance reviews  
 6 as the other employees who were outside of her  
 7 protected class did." Is that your statement?  
 8 A. I did not receive a performance review  
 9 in the summer of 2003 as every other employee in that  
 10 office did.  
 11 Q. How do you know that every other  
 12 employee in the office for 2003 --  
 13 A. They were all pulled in and given their  
 14 -- reviewed it with Tom and got their performance  
 15 review. I was the only one in the office that did  
 16 not get one that year.  
 17 Q. What month did that happen?  
 18 A. That was probably July or August of  
 19 2003 when everybody got their reviews.  
 20 Q. Are reviews confidential?  
 21 A. Yes.  
 22 Q. How do you know everybody else got  
 23 their reviews?  
 24 A. Because he stated it in front of the  
 25 office.

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1 A. It has two other names listed there.  
 2 Q. I'm just limiting the question to  
 3 Thomas Dick. Did he terminate your employment from  
 4 HACC on August 25th, 2003?  
 5 MR. ARCHER: I'm going to object to the  
 6 question.  
 7 MS. O'DONNELL: Why?  
 8 MR. ARCHER: It says, Thomas Dick,  
 9 Barbara Hutchinson, and Meredith Tulli all had some  
 10 part in this.  
 11 MS. O'DONNELL: Then the next paragraph  
 12 says each of the Defendants. It doesn't say  
 13 Defendants collectively because that is not the way  
 14 you drafted this complaint and I'm asking --  
 15 MR. ARCHER: It says each of them took  
 16 part. It doesn't say each of them individually went  
 17 out and terminated her. It says each was involved.  
 18 MS. O'DONNELL: You don't have to  
 19 defend your complaint. I'm just asking Ms. Ellis if  
 20 she is aware whether or not Mr. Dick terminated her  
 21 employment on August 25th, 2003. If you tell me yes  
 22 or no or he was part of it that would be an  
 23 acceptable response.  
 24 THE WITNESS: He was part of it.  
 25 BY MS. O'DONNELL:

1 Q. Was Barbara Hutchinson also part of it?  
 2 A. Yes, she was.  
 3 Q. And was Meredith Tulli also part of it?  
 4 A. Yes, she was.  
 5 Q. In fact, your testimony today is your  
 6 position was terminated effective August 25th by all  
 7 of these people collectively?  
 8 A. Correct.  
 9 MR. ARCHER: No.  
 10 MS. O'DONNELL: Well, you tell us --  
 11 MR. ARCHER: Because the complaint  
 12 speaks for itself. It doesn't say effective August  
 13 25th.  
 14 MS. O'DONNELL: I just asked her.  
 15 MR. ARCHER: It speaks for itself.  
 16 MS. O'DONNELL: Tom, this is her  
 17 lawsuit, not your's. She gets to say whether she  
 18 feels she was terminated on August 25th or, in fact,  
 19 terminated by all of these people or one of them.  
 20 MR. ARCHER: Fine. I'm just saying  
 21 when you miss -- I felt that the question misstated  
 22 because you said, your words were, that the  
 23 termination was effective August 25th, 2003 and that  
 24 is not what it says.  
 25 MS. O'DONNELL: But she said yes -- you

1 significance of that date?  
 2 A. The 25th is the date that Meredith  
 3 requested me to come back, because I was already off  
 4 the campus. I left the campus the 22nd, the day that  
 5 Tom stopped me from leaving the office. She  
 6 contacted me at home and asked me to come in and  
 7 speak with her on the 25th.  
 8 Q. Did you in -- that was a Monday, right?  
 9 A. Yes.  
 10 Q. Did you go in?  
 11 A. Yes.  
 12 Q. Who else was present during that  
 13 meeting?  
 14 A. Just Meredith.  
 15 Q. What did Meredith tell you?  
 16 A. I told her that I tried to access the  
 17 computer and it did not have access. She told me  
 18 that wasn't supposed to happen that way. Tom was  
 19 supposed to sit down with me and ask what happened,  
 20 how did 21 people end up getting dropped.  
 21 I told her that is not what happened.  
 22 I told her I was accused that I inadvertently let  
 23 those people get dropped out of their classes. I  
 24 told her the reason I came in early on the 22nd was  
 25 because I was three hours short of a leave for that

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1 understand what the effective means, right?  
 2 THE WITNESS: There is a letter from  
 3 Meredith Tulli stating that that would be my last  
 4 day.  
 5 BY MS. O'DONNELL:  
 6 Q. Were you paid for the balance of the  
 7 time between August 25th and October 3rd?  
 8 A. No, I was not.  
 9 Q. Is that because you were asked to sign  
 10 a release and you didn't?  
 11 A. Right.  
 12 Q. And if you signed the release you would  
 13 have been paid for the rest of the time?  
 14 A. Correct.  
 15 Q. On August 25th did you meet with Tom  
 16 Dick, Barbara Hutchinson, and Meredith Tulli for the  
 17 stated reason that your position was being eliminated  
 18 and it was, in fact, being terminated on that day?  
 19 A. No.  
 20 Q. Paragraph I, 27-I reads, "On or about  
 21 August 25th, 2003" -- I'm going to stop right there  
 22 and I'm going to ask you whether or not that was the  
 23 day that you came back from vacation one day early?  
 24 A. No.  
 25 Q. What is August 25th? What is the

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1 day and we came back from vacation early because I  
 2 had classes to attend.  
 3 Q. Three hours short of leave, what does  
 4 that mean?  
 5 A. That means that I didn't have enough  
 6 leave to cover the full day.  
 7 Q. I gotcha.  
 8 A. I went early to cover the whole day.  
 9 She told me there was a special project that they  
 10 figured out for me to do outside of the office  
 11 because Tom didn't want me back in the office  
 12 anymore.  
 13 Q. She specifically said Tom?  
 14 A. Yes, she specifically said Tom. I  
 15 asked her what type of special project and she said  
 16 updating the addresses. I told her I'm not going to  
 17 sit here and do dummy work for the rest of my time  
 18 here. She told me that that would be my last day.  
 19 If I wouldn't accept the other assignment that they  
 20 gave me, I couldn't come back to work again.  
 21 Q. Did you think to ask Meredith whether  
 22 there was any other positions within the Finance  
 23 Department or something other than what you call  
 24 dummy work that you would have been satisfied doing  
 25 so that you didn't have to spend your time under Tom

1 Dick's supervision but you could still work at HACC  
 2 until October 3rd?  
 3 A. That was the only job that was offered  
 4 to me was updating addresses for the Department of  
 5 Finance.  
 6 Q. You didn't think to ask isn't there  
 7 anything else that I can do besides having to do that  
 8 or work for Tom Dick?  
 9 A. I wanted back in my office. There was  
 10 no reason for me to be put out of my office like I  
 11 was. I was not responsible for those students  
 12 getting dropped and there was other work in the  
 13 office I could have done until the October 3rd date.  
 14 Q. That is all you would expect?  
 15 A. Yes. Why should I have to leave my  
 16 office for something I didn't do?  
 17 Q. During that meeting with Meredith  
 18 Tulli, did she mention Barbara Hutchinson's name at  
 19 all?  
 20 A. No, she did not, not that I recall.  
 21 Q. When, if ever, did you learn  
 22 information to support this allegation that Barbara  
 23 Hutchinson was part of the team that took part in the  
 24 decision to terminate your employment as of August  
 25 25th, 2003?

1 Q. It didn't matter what color you were,  
 2 he got angry, he was likely to do something like  
 3 that?  
 4 A. I can't answer that question.  
 5 Q. Okay. Subparagraph L says, "Defendants  
 6 individually and in concert -- so we are both on the  
 7 same page I'm assuming, and correct me if I'm wrong,  
 8 that is Dick, Hutchinson, and Tulli, have retaliated  
 9 and discriminated against Plaintiff in that  
 10 Plaintiff's position was terminated based on invalid  
 11 and false documentation." My question to you is:  
 12 What was the invalid and false documentation that is  
 13 referred to in that subparagraph?  
 14 A. That the plan they devised to  
 15 decentralize the position to say there was not enough  
 16 work in the office to warrant my position still being  
 17 there.  
 18 Q. Meredith Tulli was part of devising  
 19 that plan to decentralize to the other --  
 20 A. She went along with it. If she didn't  
 21 devise it, she went along with it.  
 22 Q. There was an exhibit that I saw here --  
 23 how about Mr. Klunk, was he part of the concerted  
 24 plan to get rid of your position, too?  
 25 A. There was one e-mail from Mike Klunk

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1 A. I can't recall.  
 2 Q. But you know it wasn't that day, right?  
 3 A. I don't recall.  
 4 Q. Is it your contention that all of this  
 5 happened because you're a black female?  
 6 A. And I filed a complaint with the Human  
 7 Relations Commission, yes.  
 8 Q. Is it more one than the other or is it  
 9 a combination of both, the fact that you're a black  
 10 female and the fact that you filed a complaint with  
 11 the PHRC?  
 12 A. Combination of both.  
 13 Q. Why do you think they based it on your  
 14 race? Why do you think any of these three people  
 15 would -- that Tom Dick would be so angry about these  
 16 dropped students that he would treat you that way and  
 17 not treat a white person that way if he got as angry?  
 18 A. He probably would treat a white  
 19 employee the same way, but...  
 20 Q. Because he was?  
 21 A. Rephrase the question. Ask that  
 22 question again.  
 23 Q. Was it his personality to treat people  
 24 this way if he got angry?  
 25 A. Yes, it was.

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1 asking to find out -- I received an e-mail from Tom  
 2 saying Mike Klunk wanted to know how many students  
 3 that used the payment plan were Lancaster students.  
 4 That was the only information, he wanted information  
 5 about the payment plan. Not that he requested that  
 6 the payment plan be decentralized. He just wanted to  
 7 know how many students from the Lancaster campus  
 8 participated in the payment plan.  
 9 Q. How often would you be consulted if the  
 10 CEOs of the regional campuses wanted to work with the  
 11 folks at Harrisburg to restructure part of their  
 12 programing? How often would you be part of that  
 13 team?  
 14 A. I was requested to give the  
 15 documentation of how many students participated in  
 16 the plan, that was it.  
 17 Q. That is all you were asked to do?  
 18 A. Yes.  
 19 Q. And you did that?  
 20 A. I sure did.  
 21 Q. At the time that you were asked to do  
 22 that or you got that memo, and I know it is in here  
 23 someplace, at the time that you were asked to do that  
 24 did you ask anybody any questions about why Mr. Klunk  
 25 wanted that information?

1 A. No, I was given a barrage of e-mails  
2 asking about the payment plan at that time.

3 Q. Did you go into Tom Dick's office and  
4 say why do you want all of this information? What is  
5 up with this?

6 A. No.

7 Q. Did you go in and say this affects my  
8 job? I want to know what you want all this  
9 information for?

10 A. No.

11 Q. Is that because typically you're not  
12 consulted in those type of decisions? The e-mail  
13 that we are referring to is Deposition Exhibit 6.  
14 There is a question pending. Is that because you're  
15 typically not consulted when those types of decisions  
16 are typically being made or considered?

17 A. Why would employees be consulted about  
18 that?

19 Q. Right. Is that the deposition exhibit  
20 that we were just talking about, that e-mail?

21 A. No, this is not.

22 Q. But that is one of them, right? That  
23 is one of the e-mails that talks about Mike Klunk and  
24 requesting information?

25 A. No, that is not the e-mail that I'm

1 A. Testimony, their testimony, Barb's  
2 testimony today stated that.

3 Q. Before she testified today, how would  
4 you know that? Because this complaint as you know  
5 was filed long before Barbara testified, right, and  
6 this is contained in the complaint. How did you know  
7 as of the date that this was filed that she was  
8 involved?

9 A. The meeting that I was pulled in with  
10 Barb and Tom to tell me that my job was going to be  
11 eliminated.

12 Q. Before or after you got the July 29th  
13 letter?

14 A. That was before the July 29th letter.  
15 The July 29th letter was the official notification,  
16 but I was pulled into a meeting before that.

17 Q. How much more before that, do you know?

18 A. It would have been either towards the  
19 end of June, beginning of July, that they were  
20 thinking of getting rid of my position.

21 Q. The July 29th letter was not your first  
22 notice that your position was going to be eliminated,  
23 right?

24 A. No, it wasn't.

25 Q. Your first notice would have been at

1 talking about.

2 Q. Okay. What e-mail are you talking  
3 about if not this one, because this is the only one  
4 that so far we've seen in this lawsuit that has  
5 anything to do that reflects a communication between  
6 Mike Klunk and the Harrisburg office concerning the  
7 payment plan?

8 A. I didn't hear the question.

9 Q. What e-mail or e-mails are you talking  
10 about if not Deposition Exhibit 6?

11 A. I received an e-mail from Thomas Dick  
12 asking me -- that Mike Klunk wanted to know the  
13 number of people in the Lancaster campus that  
14 participated in the payment plan.

15 Q. Back to my original question. Are the  
16 CEOs of other campuses part of the team that devised  
17 this plan to eliminate your position?

18 A. I can't answer that question. I don't  
19 know.

20 Q. But you know that Tom Dick, Meredith  
21 Tulli, and Barbara Hutchinson, they at least had some  
22 involvement in devising a plan to eliminate your  
23 position; is that right?

24 A. Correct.

25 Q. You know that how?

1 the end of June, early July, somewhere around there?  
2 Before the holiday, do you know?

3 A. No, I don't know.

4 Q. At any time after you were pulled into  
5 that meeting and they told you that they were  
6 thinking about eliminating your position or the fact  
7 that your position was being eliminated, did you  
8 start looking for a job?

9 A. No, I did not.

10 Q. Were you thinking of a plan in terms of  
11 income at that point?

12 A. No, I didn't know because I didn't know  
13 if it was going to come to pass or not.

14 Q. Is that because they told you they were  
15 thinking about doing it?

16 A. Correct.

17 Q. During that meeting did you ask when  
18 would be the earliest that they would tell you, in  
19 fact, it was going to be eliminated? Did you want to  
20 know that?

21 A. No, I did not. I sat and listened.

22 Q. What were your thoughts in terms of  
23 income at the time that you were hearing that your  
24 position was going to be eliminated or might be  
25 eliminated? I mean, what were you thinking in terms

1 of employment?

2 A. Looking for another job.

3 Q. Within the campus or outside the

4 campus?

5 A. Either or.

6 Q. But you didn't start looking until

7 after October 3rd?

8 A. No.

9 Q. When did you start looking?

10 A. After my job was -- in August, because

11 the job was over in August.

12 Q. After --

13 A. The blow up on the 22nd.

14 Q. Were you already enrolled in classes at

15 that point for the fall semester?

16 A. No, I was not.

17 Q. Were you able to enroll for day classes

18 already?

19 A. No, because the semester had already

20 started.

21 Q. So you couldn't get any day classes.

22 Did you take night classes?

23 A. No, I did not.

24 Q. Did you take any classes that semester?

25 A. No, I looked for work.

1 taken away from me and given to another employee in

2 the office when I was the lead on that job to begin

3 with.

4 Being screamed at and blocked or

5 prevented from leaving the office the way I was by

6 Thomas Dick. Also, when Barb sent out that e-mail to

7 other employees to let them know that I was the

8 reason that nobody would be able to take classes, the

9 backlash I had from the other employees. That is all

10 I can think of at this time.

11 Q. With respect to the first couple of

12 things you mentioned, losing your job for something

13 you didn't do -- I can't remember what they are off

14 the top of my head. I'm going to ask the court

15 reporter to read them back, just the first three

16 things that she mentioned.

17 THE REPORTER: "ANSWER: The fact I was

18 losing my job and I didn't have benefits for my

19 children, who both have allergies. The fact I was

20 being unemployed for something I didn't do. The fact

21 that my job was taken away from me and given to

22 another employee in the office when I was the lead on

23 that job to begin with.

24 Being screamed at and blocked or

25 prevented from leaving the office the way I was by

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1 Q. The following semester is when you  
2 started to take classes?

3 A. Yes.

4 Q. Spring of '04?

5 A. Spring of '04.

6 Q. Did either -- I'm doing this so I don't

7 have to draw an objection from your counsel, but I

8 think I'm going to get it anyway because it is going

9 to be compound or something, but I'll give it a shot.

10 Did either Meredith Tulli or Barbara

11 Hutchinson do anything in the nature of repeated

12 abuse or harassment based on your race as the result

13 of either filing a PHRC complaint or expressing an

14 interest in participating in the minority caucus?

15 A. I can't answer that question.

16 Q. Is that because you don't know?

17 A. I don't know.

18 Q. Paragraph 30, page 8, you talk about

19 emotional distress. I'd like you to explain for me,

20 if you will, what emotional distress was caused by

21 whatever these folks did?

22 A. The fact I was losing my job and I

23 didn't have benefits for my children, who both have

24 allergies. The fact I was beginning unemployed for

25 something I didn't do. The fact that my job was

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1 Thomas Dick. Also, when Barb sent out that e-mail to

2 other employees to let them know that I was the

3 reason that nobody would be able to take classes, the

4 backlash I had from the other employees. That is all

5 I can think of at this time."

6 BY MS. O'DONNELL:

7 Q. You said emotional distress. I'm going

8 to ask you to describe your emotions. Losing your

9 job?

10 A. Anger.

11 Q. No benefits for your children's

12 allergies?

13 A. Probably anger, also.

14 Q. Unemployment for something you didn't

15 do?

16 A. Anger.

17 Q. Job taken away and given to an employee

18 when you were the lead on that job to begin with?

19 A. Anger.

20 Q. Being screamed at or blocked or

21 prevented from leaving the office the way you were by

22 Tom Dick?

23 A. Threatened and humiliated.

24 Q. And the backlash from the other

25 employees because of Barb's e-mail?

1 A. Humiliation.  
 2 Q. Now, did your anger prevent you from  
 3 engaging in your daily activities? Did it interfere  
 4 with your ability to work or to function?  
 5 A. No, it did not.  
 6 Q. The fact that you were threatened or  
 7 humiliated when you were screamed at and blocked from  
 8 leaving the office, did that prevent you from being  
 9 able to function physically, conduct your daily  
 10 activities the way you normally would?  
 11 A. Do you mean at work or at home?  
 12 Q. Anywhere?  
 13 A. Rephrase that for me.  
 14 Q. Sure. The fact you said you felt  
 15 threatened and humiliated by Tom Dick when he  
 16 screamed at you and he blocked or prevented you from  
 17 leaving.  
 18 A. Correct.  
 19 Q. My question is: Were you unable -- did  
 20 that feeling of being threatened and feeling of being  
 21 humiliated interfere with your ability to function  
 22 either at work or at home?  
 23 A. It didn't interfere at home and I was  
 24 never allowed back in the office again so it couldn't  
 25 affect work because I was never allowed back in

1 document that has already been marked Deposition  
 2 Exhibit 13 and it is a production of the Defendants  
 3 and it has been Bate stamped 6, 7 and 8. It is  
 4 entitled open jobs from June 1, 2003 to December 31,  
 5 2003. Tell me, Ms. Ellis, if you've seen that before  
 6 today?  
 7 A. No, I have not.  
 8 MR. ARCHER: Off the record.  
 9 (At this time there was a brief  
 10 discussion held off the record.)  
 11 BY MS. O'DONNELL:  
 12 Q. You say that you've never seen that  
 13 before today?  
 14 A. No, I have not.  
 15 Q. Now, I'd like you to take a look at  
 16 that three-page document that we've marked as  
 17 Deposition Exhibit No. 13. Can you tell me whether  
 18 you applied for or expressed an interest in any of  
 19 those positions on the three pages that are in front  
 20 of you at any time in 2003 to the best of your  
 21 recollection?  
 22 A. I did apply for a job with registration  
 23 technician position. What the name of the position  
 24 was -- this does not breakdown where these jobs are  
 25 located.

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1 there.  
 2 Q. Lastly, your feeling of humiliation  
 3 from the backlash by other employees when Barb  
 4 circulated that memo, did that interfere with your  
 5 ability to function in any way?  
 6 A. No, it did not.  
 7 MR. ARCHER: Are you talking about  
 8 ever, from that day forward or just at the time it  
 9 happened?  
 10 MS. O'DONNELL: She can answer it  
 11 however she pleases.  
 12 MR. ARCHER: I'll ask her one more time  
 13 if she meant --  
 14 MS. O'DONNELL: I'll ask her.  
 15 MR. ARCHER: Go ahead.  
 16 BY MS. O'DONNELL:  
 17 Q. How long after that incident would it  
 18 have affected your ability to function?  
 19 A. The backlash lasted for a week to two  
 20 weeks from the other employees, but I didn't let it  
 21 deter me from doing my job.  
 22 Q. Did it affect you at home at all?  
 23 A. No.  
 24 Q. I want to go over with you some  
 25 documents and then we will be finished. This is a

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1 Q. Assuming you've got that obstacle to  
 2 overcome, can you tell me whether you expressed an  
 3 interest in any other positions other than the one in  
 4 registration that you testified about?  
 5 A. I applied for other positions. I can't  
 6 remember. I think the second is a secretarial  
 7 position.  
 8 Q. In 2003?  
 9 A. Quite possibly, yes.  
 10 Q. Were you qualified, underqualified,  
 11 overqualified for that secretarial position?  
 12 A. I would be qualified.  
 13 Q. Would it have paid as much money as you  
 14 were making in finance?  
 15 A. It could have paid more, less, I don't  
 16 recall.  
 17 Q. Do you know whether that application  
 18 would still be on file at HACC if you did, in fact,  
 19 apply for it?  
 20 A. If they still retain that information.  
 21 Q. You just don't know one way or the  
 22 other?  
 23 A. No, I do not.  
 24 Q. Do you need more time to look at that  
 25 list or was that all of the applications you made to



1 the best of your knowledge as you sit here today?  
 2 A. I can't recall. I had applied to other  
 3 positions at the College, but I can't recall what  
 4 they are at this time.  
 5 Q. That is all I'm asking, just what you  
 6 recall. I'm going to show you a document that has  
 7 been Bate stamped 9, again, my production. Tom, I  
 8 don't think this has been previously marked, but if  
 9 you would like to go through the pile to double-check  
 10 you can do that.

11 MR. ARCHER: I don't think this was.

12 BY MS. O'DONNELL:

13 Q. I gave you a pile of documents so you  
 14 have it to refer to. It is a document Bate stamped  
 15 No. 9., do you see that?

16 A. Yes.

17 Q. Have you seen that document before  
 18 today?

19 A. Yes.

20 Q. What is this document?

21 A. It is the posting for the Specialist II  
 22 in Enrollment Services.

23 Q. Who oversees Enrollment Services?

24 A. Higher up, supervisory position, what  
 25 do you mean?

1 position. I eventually did, but I didn't want to.

2 Q. Why didn't you want to apply for this  
 3 position?

4 A. I wasn't interested in working for  
 5 Enrollment Services.

6 Q. Did you eventually have an interview  
 7 scheduled?

8 A. Yes.

9 Q. If you look at documents Bate stamped  
 10 11 and 12, I'm not going to ask you whether or not

11 you've ever seen those documents before today, but  
 12 I'm going to draw your attention to a document Bate

13 stamped 11 and tell me whether to your recollection  
 14 you had an interview scheduled on September 4th, 2003  
 15 with Bill Holloway and Tisa Riley?

16 A. Correct.

17 Q. Did you go to that interview?

18 A. Yes, I did.

19 Q. Was this for the same position that we  
 20 just looked at?

21 A. Yes.

22 Q. Did you tell them you were interested  
 23 or not interested in the position at that point?

24 A. I told them that all I remember in the  
 25 interview is Tisa asking me what do I see myself

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1 Q. Tell me first the supervisory position  
 2 and to the extent you know the chain of command you  
 3 can tell me that?

4 A. The position underneath Tisa.

5 Q. Tisa Riley?

6 A. Tisa Riley.

7 Q. There is a handwritten notation in the  
 8 upper right-hand corner, do you see that?

9 A. Posted 06/02/03?

10 Q. Yes. It says internal position  
 11 announcement. Do you see that in the upper left  
 12 corner?

13 A. Yes, I do.

14 Q. What does that mean internal position  
 15 announcement?

16 A. That means they already know who they  
 17 want the position to go to.

18 Q. How do you know that?

19 A. That is how they do that.

20 Q. At that point, do you know who that  
 21 person was that they wanted that position to go to?

22 A. They wanted me to apply for this  
 23 position.

24 Q. And did you?

25 A. I didn't want to apply for that

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1 doing in five years and I responded that I see myself  
 2 not working at this campus and finding employment  
 3 within the field of my degree.

4 Q. That is criminal justice?

5 A. Correct.

6 Q. I'm going to draw your attention to a  
 7 document Bate stamped 12. If you come down to your  
 8 name it says rescheduled, Friday 8:30. Do you see  
 9 that?

10 A. Yes.

11 Q. Do you know whether or not your  
 12 interview was rescheduled to the next day on  
 13 September 5th?

14 A. I don't recall.

15 Q. Would this have been after August 25th,  
 16 that meeting with Meredith Tulli?

17 A. The interview was after the meeting  
 18 with her, yes.

19 Q. You were not working at HACC but you  
 20 were being interviewed for a position at HACC --

21 A. Yes.

22 Q. -- on September 5th of 2003. To the  
 23 best of your knowledge they wanted you to take this  
 24 position?

25 A. Not at that time, that is not to my

1 knowledge.

2 Q. Is that based on an internal posting or  
3 some other posting?

4 A. No, this was an external posting.

5 Q. This was the external posting which  
6 means they opened it up to everybody and not just  
7 you?

8 A. Correct.

9 Q. At the time that you interviewed with  
10 Tisa Riley and Bill Holloway you told them you would  
11 like to be in a job that has to do with your major  
12 which is criminal justice?

13 A. Correct.

14 Q. Is there anything else about that  
15 interview that you remember that was significant?

16 A. No, those are the reasons why I did not  
17 choose to apply for that position.

18 Q. But you were interviewing for the  
19 position, you had gone beyond applying, right?

20 A. There were other reasons why I did not  
21 want to take that position.

22 Q. What were the other reasons?

23 A. There was a previous employee named Amy  
24 Gresh and she worked for Gilda Bond (sic) who was in  
25 George Franklin's capacity. She got into a

1 position?

2 A. Another doubt that I had was the  
3 position was created out of another black woman's  
4 position. She was the only black woman that was in  
5 that office.

6 Q. Is this Amy Gresh?

7 A. No, this is Stephanie Davis. She ended  
8 up being fired from her position, also. She had  
9 previously filed a complaint with Human Relations  
10 about them. She had come to me and talked to about  
11 how she was being treated differently because she was  
12 the only black employee in that job, they took her  
13 position and upgraded it and then wanted me to take  
14 it and I had very strong doubts about this job.

15 Q. Is Amy Gresh, white, black, something  
16 else?

17 A. White.

18 Q. Stephanie Davis you're saying that  
19 Stephanie was ultimately removed from the position,  
20 they upgraded it and wanted to give it to you?

21 A. Yes.

22 Q. Stephanie was black?

23 A. Yes, she was.

24 Q. What did Stephanie do after she left  
25 that position and it was upgraded?

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1 disagreement with him, he ended up putting her in the  
2 book store, working in the book store, she was never  
3 shown her duties and told what she was supposed to be  
4 doing and she ended up fired and filed a civil  
5 complaint against HACC, also.

6 I felt with me being placed in  
7 Enrollment Services in a field that I would have no  
8 expertise in that eventually I would be ultimately  
9 fired from this position, just to not have me fired  
10 from Student Accounts to have me fired in another  
11 position within the campus. I just felt this job was  
12 not going to pan out for myself. Eventually, there  
13 would have been a reason for them to let me go from  
14 the College.

15 Q. When you initially talked to Tisa Riley  
16 on the telephone about the position before it was  
17 internally posted did you express to her an interest  
18 in the position?

19 A. I told her I was interested, but I had  
20 doubts about the job, too.

21 Q. Do you recall the conversation, what  
22 doubts you articulated to Tisa at that time?

23 A. No, I did not.

24 Q. Did you say Tisa this is just another  
25 recipe for failure, I don't want to take the

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1 A. I don't know what Stephanie did after  
2 she left HACC.

3 Q. Was her position revised in some way?

4 A. They took her position. She was a  
5 registration clerk, they took her position and  
6 upgraded it to this position.

7 Q. I'd like you to flip to the next page,  
8 please. It is Bate stamped 16. Have you seen this  
9 document before today?

10 A. I created it.

11 Q. What is it?

12 A. It is my resume. It is a cover letter  
13 for my resume.

14 Q. Is this an application for a position?

15 A. Yes.

16 Q. What is the date of the application?

17 A. July 21st, 2003.

18 Q. To whom is it directed?

19 A. Tisa Riley.

20 Q. Director of Enrollment Services?

21 A. Correct.

22 Q. It says, "This letter is to express my  
23 interest in joining your department as a Technician  
24 II."

25 A. Correct.

1 Q. Are you saying even though you applied  
2 for this position and sent a letter of interest you  
3 really were not interested?  
4 A. No, I really was not interested.  
5 Q. Documents Bate stamped 17 and 18, have  
6 you seen those documents before today?  
7 A. Yes.  
8 Q. What are they?  
9 A. That is my resume.  
10 Q. Is that something that you provided to  
11 Tisa Riley for her consideration?  
12 A. Correct.  
13 Q. And is that for consideration for your  
14 hire for the position of Technician II?  
15 A. Correct.  
16 Q. Next document I'm showing you is that  
17 which has been Bate stamped 22, but has been  
18 previously marked Deposition Exhibit 9. Do you see  
19 that?  
20 A. Yes.  
21 Q. Is this the July 29th letter that you  
22 received from Meredith Tulli with a copy to Tom Dick  
23 and Barbara Hutchinson advising that your position  
24 was being eliminated October 3, 2003?  
25 A. Correct.

1 Q. I'm going to skip over 65 and 66. The  
2 next document I'd like you to take a look at is Bate  
3 stamped 67. Do you see that?  
4 A. Yes.  
5 Q. Is that a letter -- pardon me -- a memo  
6 to you from the president of HACC?  
7 A. Yes.  
8 Q. Dated June 16th, 2003?  
9 A. Correct.  
10 Q. Subject 2003-2004 salary increase. Do  
11 you see that?  
12 A. Yes.  
13 Q. And it states that your annual salary  
14 has been increased by 3.9 percent to \$26,452  
15 effective July 1, 2003?  
16 A. Correct.  
17 Q. And is that notwithstanding that you  
18 did not receive a performance evaluation that year?  
19 A. Correct.  
20 Q. The next document is Bate stamped 69.  
21 Do you see that?  
22 A. Yes.  
23 Q. Can you tell me what that is?  
24 A. It is a salary increase.  
25 Q. For the year 2002-2003?

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1 Q. And so I understand your testimony  
2 about a month prior to this you were first advised  
3 informally that they were thinking of eliminating  
4 your position?  
5 A. I can't say it was a month before. I  
6 was advised they were looking to do that, yes.  
7 Q. And I think it was your testimony it  
8 was sometime at the end of June, early July?  
9 A. Correct.  
10 Q. The next document is Bate stamped 27,  
11 dated October 15th, 2003. Do you see that?  
12 A. Yes.  
13 Q. Did you receive that letter from  
14 Meredith Tulli?  
15 A. Yes, I did.  
16 Q. And it states, ""Please make  
17 arrangements to return office keys and employee ID  
18 card." Do you see that?  
19 A. Yes.  
20 Q. And you hadn't done that prior to this  
21 date of October 16th?  
22 A. I wasn't asked to.  
23 Q. Is that the only reason you didn't  
24 return those items is because you weren't asked to?  
25 A. I didn't think about it.

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1 A. Yes.  
2 Q. It is a letter from the president of  
3 HACC directed to you dated April 26th, 2002?  
4 A. Yes.  
5 Q. And can you just for the record tell us  
6 what the increase was by percentage and to what  
7 amount?  
8 A. Four percent to the amount to \$27,717.  
9 Q. Effective when?  
10 A. July 1st, 2002.  
11 Q. Is that notwithstanding that you did  
12 not receive a performance evaluation?  
13 A. Correct.  
14 Q. Next is Bate stamped 71. Do you agree  
15 with me for the sake of expediency that this is  
16 another letter from the president of HACC directed to  
17 you and dated May 10, 2001 regarding your salary  
18 increase for the year 2001-2002?  
19 A. Correct.  
20 Q. Would you tell me what your salary had  
21 been increased to?  
22 A. \$23,766.  
23 Q. Effective when?  
24 A. July 1 of 2001.  
25 Q. And is that notwithstanding the fact

1 that you did not receive a performance evaluation  
 2 that year?  
 3 A. Correct.  
 4 Q. The next document has been Bate stamped  
 5 77. Do you see that?  
 6 A. Yes.  
 7 Q. And would you agree with me that this  
 8 is a letter from the president of HACC dated May  
 9 15th, 2000 directed to you?  
 10 A. Yes.  
 11 Q. Will you also agree with me that as a  
 12 result of the Board's actions your salary had been  
 13 increased from \$22,511 to \$23,186 effective July 1 of  
 14 2000?  
 15 A. Yes.  
 16 Q. Is that notwithstanding that you did  
 17 not receive a performance evaluation that year?  
 18 A. Correct.  
 19 Q. Next is Bate stamped 78, do you see  
 20 that?  
 21 A. Yes.  
 22 Q. Will you agree with me this is a letter  
 23 from Edna Baehre, Director of HACC, directed to you  
 24 dated May 20th, 1999?  
 25 A. Yes.

1 Q. Can you tell me what this memo says?  
 2 A. That the Board has met and they've  
 3 officially hired me into the position as an  
 4 Accounting Clerk I.  
 5 Q. July 7th, 1998; is that correct?  
 6 A. That is correct.  
 7 Q. And from document Bate stamped 93  
 8 through 95 is this the resume that you submitted when  
 9 you applied for the Accounting Clerk I position?  
 10 A. Correct.  
 11 Q. Document Bate stamped 107 through 110,  
 12 I'll state for the record is the administrative  
 13 procedure 875 regarding harassment. Did I read that  
 14 correctly?  
 15 A. Yes.  
 16 Q. Have you seen this document before  
 17 today?  
 18 A. No, I have not.  
 19 Q. Did you know whether or not Harrisburg  
 20 Area Community College had an administrative policy  
 21 regarding harassment?  
 22 A. No, I did not.  
 23 Q. Did you ever discuss whether or not the  
 24 College had a policy regarding harassment with  
 25 anybody in the minority caucus group?

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1 Q. It indicates your salary had been  
 2 increased from \$21,322 to \$22,511 effective July 1 of  
 3 1999?  
 4 A. Yes.  
 5 Q. And you did, in fact, receive a  
 6 performance evaluation that year?  
 7 A. Correct.  
 8 Q. And the document that follows has been  
 9 Bate stamped 79 through 82. We previously marked  
 10 this as Deposition Exhibit No. 3. Is this your 1999  
 11 performance review?  
 12 A. Correct.  
 13 Q. Is this what we referenced in the  
 14 complaint as your exemplary performance review?  
 15 A. Correct.  
 16 Q. The document is Bate stamped 1983. Do  
 17 you recall receiving this document before today?  
 18 MR. ARCHER: Bate stamped what?  
 19 MS. O'DONNELL: 83.  
 20 THE WITNESS: Correct.  
 21 BY MS. O'DONNELL:  
 22 Q. It is a memo from Beverly Spoerl,  
 23 S-p-o-e-r-l, directed to you, dated July 17th, 1998  
 24 and the subject is personnel recommendations?  
 25 A. Correct.

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1 A. No, I did not.  
 2 Q. Did you ever discuss with anyone in  
 3 your department or anyone within the chain of command  
 4 over your department whether or not Harrisburg Area  
 5 Community College had a policy regarding harassment?  
 6 A. No, I did not.  
 7 Q. Did you ever discuss with any of your  
 8 co-workers or colleagues, student colleagues, whether  
 9 or not the policy -- pardon me -- whether or not  
 10 Harrisburg Area Community College had a policy  
 11 regarding harassment?  
 12 A. No, I did not.  
 13 Q. Did you take any courses while you were  
 14 at HACC that dealt with race and racial bias?  
 15 A. Not at HACC.  
 16 Q. Did you take it at Albright College?  
 17 A. No, I did not.  
 18 Q. Did you take it somewhere else?  
 19 A. Penn State.  
 20 Q. Was this before or after your complaint  
 21 was filed?  
 22 A. Before.  
 23 Q. Did you know that companies and, for  
 24 example, colleges and school districts typically do  
 25 as a matter of course have policies regarding

1 harassment?  
2 A. No, I did not.  
3 Q. Document Bate stamped 111 through 113,  
4 I'll state for the record this is the Harrisburg Area  
5 Community College's Administrative Procedure 887  
6 regarding grievance procedures for faculty and staff.  
7 Do you see that?  
8 A. Yes, I do.  
9 Q. Did you know there was a grievance  
10 procedure in place for faculty and staff while you  
11 were employed at HACCC?  
12 A. I did know there was a previous  
13 procedure, yes.  
14 Q. You did?  
15 A. Yes, I did.  
16 Q. Did you utilize the grievance procedure  
17 for any abuse or harassment or threats or humiliation  
18 that you felt you were undergoing by Thomas Dick,  
19 Meredith Tulli, or Barbara Hutchinson while you were  
20 employed there?  
21 A. No, I did not.  
22 Q. Did you have a meeting with Edna Baehre  
23 regarding your inability to take classes?  
24 A. Yes, I did.  
25 Q. Did you advise Edna Baehre you were the

1 evaluation while the task force is developing  
2 recommendations? Look down at the very paragraph  
3 that is in bold where it says during this interim  
4 period. Do you see that?  
5 A. Yes, I see that.  
6 Q. Did that apply to your employment at  
7 HACCC?  
8 A. Yes, it did.  
9 Q. Next document is bate stamped 0 and 1.  
10 Have you seen these pages before today?  
11 A. Yes, I have.  
12 Q. Would you identify for the record what  
13 this is?  
14 A. It is my resume.  
15 Q. Is this your current resume?  
16 A. Yes, it is.  
17 Q. Is this the resume that you used in  
18 order to find a job with state government?  
19 A. Yes, it is.  
20 Q. The document Bate stamped 48, have you  
21 seen this document before today?  
22 A. Yes, I have.  
23 Q. Can you tell us what that is?  
24 A. It is a W-2.  
25 Q. Is that an accurate reflection of the

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1 subject of racial discrimination because you couldn't  
2 take classes?  
3 A. Yes, I did.  
4 Q. What did she say?  
5 A. She would look into it.  
6 Q. Do you know whether or not she made a  
7 determination that white people were allowed to take  
8 classes?  
9 A. I don't know.  
10 Q. Do you know if anyone ever made a  
11 finding that white students could take classes when  
12 black students could not?  
13 A. No, I do not.  
14 Q. The next document is a document you  
15 produced to us, your attorney produced to us and it  
16 was Bate stamped 190 and previously marked as  
17 Deposition Exhibit 4. Have you seen this before  
18 today?  
19 A. Yes, I have.  
20 Q. Can you tell us what this is?  
21 A. A letter from Dr. Baehre stating that  
22 they were creating a task force to work on the  
23 evaluation process.  
24 Q. Does it also state as for a certain  
25 period of time you would not receive a performance

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1 wages that you made in 2005?  
2 A. Yes.  
3 Q. And for the record that number is  
4 \$31,669.43?  
5 A. Correct.  
6 Q. To the extent that you know, document  
7 49 that you produced to us dated May 21st, 2003, can  
8 you tell us whether you saw this document before  
9 today?  
10 A. Yes, I have.  
11 Q. And this is a finding from the  
12 Pennsylvania Human Relations Commission; is that  
13 correct?  
14 A. Correct.  
15 Q. Do you whether that was with respect to  
16 the first or second complaint that you filed?  
17 A. This would have been the first  
18 complaint.  
19 Q. I'd like to skip a few documents and go  
20 to a document that has been Bate stamped 239 through  
21 240. There is another page that follows that is not  
22 Bate stamped and then there is a page that follows  
23 that is 241. I don't know how you want to fix that.  
24 Do you want to make that 240-A, that page that is not  
25 Bate stamped?

1 MR. ARCHER: My copy of our production  
2 has 239, 240, 241 and 242 with nothing in between.  
3 MS. O'DONNELL: Here is what I have. I  
4 have 239, 240, that, 241, 242. That looks like it is  
5 the -- I am also reviewing, it is the third page of  
6 that memo.  
7 MR. ARCHER: I don't know what happened  
8 there. You can refer to it any way we want.  
9 MS. O'DONNELL: For the record, 239,  
10 240 and 240-A.  
11 MR. ARCHER: So far you haven't really  
12 been marking anything.  
13 MS. O'DONNELL: I'm going to go through  
14 the way I referred to them and have them marked as  
15 Exhibits 26 through whatever it is at the end of her  
16 deposition. I don't think Ms. Ellis wants to sit  
17 through that as we mark deposition exhibits.  
18 Do you want to take a break and have all these  
19 marked?  
20 MR. ARCHER: No, I'm just thinking  
21 outloud whether or not that will create any confusion  
22 in the record because they have been not referred to  
23 as any particular number.  
24 MS. O'DONNELL: The third page of the  
25 memo we'll call it 240-A and from here on --

1 page, 240-A, the second full paragraph that begins  
2 the payment plan. Do you see that?  
3 A. Yes.  
4 Q. It says the payment plan has been  
5 purchased which will continue to increase our revenue  
6 based through the payment of application fees. Do  
7 you see that?  
8 A. Yes.  
9 Q. As of March 11th, 2003, did you have a  
10 conversation with Tom Dick about whether or not to  
11 purchase the forms?  
12 A. Say that again.  
13 Q. As of the date of this memo that you  
14 received sometime on that date or after that date,  
15 did you have a conversation with Tom Dick about  
16 ordering the forms for the payment plan?  
17 A. I don't recall the exact date.  
18 Q. Do you recall whether it was after this  
19 date?  
20 A. I don't recall.  
21 Q. The very last paragraph reads, "Many of  
22 the processes in the College are being evaluated by  
23 outside consultants and internal process mapping  
24 committees as processes needing to be changed. The  
25 student accounts and cashiering processes have not

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1 MR. ARCHER: I guess since they are all  
2 Bate stamped it is not a problem.  
3 BY MS. O'DONNELL:  
4 Q. Now, Ms. Ellis, have you seen this  
5 three-page document that we've now identified as 239,  
6 240 and 240-A before today?  
7 A. No.  
8 Q. This is dated March 11th, 2003?  
9 A. Correct.  
10 Q. Is this the memo that you were talking  
11 about that created backlash from your co-workers?  
12 A. No.  
13 Q. What is that memo?  
14 A. Office procedures from Thomas Dick.  
15 Q. Is this something that you would  
16 consider abusive or harassing?  
17 A. This was just general office  
18 observations that he made.  
19 Q. Is that your understanding of what this  
20 memo is? Do you want to take time to read it again?  
21 I'm sure you read it before, but if you want to  
22 refresh your recollection I'll give you time to read  
23 it.  
24 A. Okay.  
25 Q. Let me draw your attention to the last

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1 been selected for review. This doesn't mean that we  
2 can't make improvements in our processes and provide  
3 increased customer service to our students. Everyone  
4 needs to be open to review job duties so we can  
5 continue to move forward and use our resources in the  
6 most efficient manner." Did I read that correctly?  
7 A. Yes.  
8 Q. At any time were you asked to provide a  
9 list of your job duties?  
10 A. We were asked to update our job  
11 descriptions, list any additional jobs that we did  
12 compared to what the job descriptions that were  
13 currently written.  
14 Q. Is that after you received this memo?  
15 A. Don't know.  
16 Q. The next document is Bate stamped 241.  
17 Do you see that?  
18 A. Yes.  
19 Q. Is that an e-mail from Tom Dick to you  
20 dated September 18th to '02?  
21 A. Right.  
22 Q. And it says job description payment  
23 plan?  
24 A. Correct.  
25 Q. Does that refresh your recollection as

1 to when you were asked to do a job description for a  
 2 payment plan processing?  
 3 A. Say that again?  
 4 Q. Does this refresh your recollection as  
 5 to when Tom Dick would have asked you to provide your  
 6 job description for payment plan processing or your  
 7 job description at all?  
 8 A. Yes.  
 9 Q. Do you recall whether or not you gave  
 10 it to him in a timely fashion?  
 11 A. If he asked for it by Friday, I gave it  
 12 to him by Friday.  
 13 Q. The next document is Bate stamped 242.  
 14 Do you see that?  
 15 A. Yes.  
 16 Q. Did you receive a copy of that e-mail  
 17 before looking at it today?  
 18 A. Yes.  
 19 Q. It is dated November 11th, 2002 from  
 20 Tom Dick; is that correct?  
 21 A. Yes.  
 22 Q. The subject matter is performance  
 23 evaluations. Do you see that?  
 24 A. Yes.  
 25 Q. Are those all of the persons that work

1 or this letter?  
 2 A. They wanted clarification.  
 3 Q. About?  
 4 A. What was going to happen.  
 5 Q. Did you receive clarification after  
 6 providing this letter or memo to them?  
 7 A. I don't think I received clarification.  
 8 Q. Now, in the second paragraph you  
 9 indicate also in the meet I was told that you are not  
 10 looking to phase out my position until October. It  
 11 has come to my attention that the branch campuses are  
 12 to start being trained on how to use the monthly  
 13 payment plan within the next two weeks. Does this  
 14 mean I am going to be forced out before October?  
 15 Your next question is: If I am to be forced out  
 16 sooner than October will I be receiving my evaluation  
 17 before I go. Do you see that?  
 18 A. Yes.  
 19 Q. What was the purpose of your question  
 20 to them asking whether you're going to be forced out  
 21 before October even though they told you your  
 22 position would not be phased out until October?  
 23 A. Because they were already making  
 24 arrangements to move the payment plans out to the  
 25 other campuses.

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1 with you in your department to whom that e-mail has  
 2 been directed?  
 3 A. Yes.  
 4 Q. Does this indicate you would not be  
 5 receiving a performance evaluation in 2002, that  
 6 those evaluations would be postponed until April of  
 7 '03?  
 8 A. Correct.  
 9 Q. The next document that I would like you  
 10 to take a look at, Ms. Ellis, is stamped 245. Have  
 11 you seen this document before today?  
 12 A. Yes.  
 13 Q. And what is it?  
 14 A. A letter to Barb, Tom and Meredith.  
 15 Q. From you?  
 16 A. Yes.  
 17 Q. And it is dated July 9th, 2003?  
 18 A. Correct.  
 19 Q. Is that before or after you sat down  
 20 with them regarding the meeting that they indicated  
 21 that your job might be eliminated?  
 22 A. It is dated on the 3rd of July, they  
 23 told me they were looking to branch out the monthly  
 24 payment plan.  
 25 Q. And what was the purpose of this memo

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1 Q. Was it just to get some confirmation  
 2 that your position would not be ending until October  
 3 and not before then?  
 4 A. Yes.  
 5 Q. You wanted to know whether you would  
 6 get your evaluation because you really wanted to know  
 7 whether you were going to get a raise?  
 8 A. No, everybody else was evaluated and I  
 9 wanted to know why I wasn't.  
 10 Q. Did it occur to you that you might not  
 11 be getting evaluated because that position was being  
 12 eliminated?  
 13 A. No. Everybody's was due in July and I  
 14 should have gotten one, too, I worked that whole year  
 15 and I should have got an evaluation.  
 16 Q. But there is no question that you got a  
 17 raise?  
 18 A. No, it's been documented.  
 19 Q. Look at document Bate stamped 250,  
 20 please. Have you seen this e-mail before today?  
 21 A. Yes.  
 22 Q. For the record, it is an e-mail from  
 23 Thomas Dick to Darla Ellis dated 12/19/02 regarding  
 24 books for spring. Did I read that correctly?  
 25 A. Yes.



1 Q. Just summarize briefly for me in your  
2 words what this e-mail is about?

3 A. This is what he was requiring me to  
4 sign a form to be able to get my books that I would  
5 agree to the book store testing before I would be  
6 allowed to get my books which was never done before.

7 Q. It's says in the second paragraph from  
8 Tom Dick at 10:30 a.m., would you be acceptable to  
9 sign a modified testing form for the testing of the  
10 book store feed only. You can then get your books  
11 for spring before we leave for break. Only the book  
12 store feed would be tested. Barry would do the  
13 testing. No other charges, credits, etc., would be  
14 applying to your account. Then he goes on to suggest  
15 to --

16 A. Yeah.

17 Q. Where is he forcing you to sign a  
18 permission slip. Doesn't it start out would you be  
19 acceptable to sign?

20 A. I never had been requested before to  
21 allow them access to my account to be able to get my  
22 book for any of the previous six semesters that I did  
23 school.

24 Q. They are doing testing, right?

25 A. Yes, and they already used my account

1 Q. Ms. Ellis, have you seen this document  
2 before today?

3 A. Yes.

4 Q. Did you read it?

5 A. Now?

6 Q. No, had you read it before you received  
7 it today?

8 A. Yes.

9 Q. Did you understand it after you read it  
10 after you received it before today?

11 A. Yes.

12 Q. Are you able to articulate now what  
13 your understanding is now of this memo?

14 A. What do you want me to answer?

15 Q. Are you able to articulate your  
16 understanding of this memo as you sit here today?

17 A. The memo speaks for itself.

18 Q. Are you unable to articulate your  
19 understanding of this memo as you sit here today?

20 MR. ARCHER: You can tell her what you  
21 think it is.

22 MS. O'DONNELL: Thank you. You now  
23 have permission to testify.

24 THE WITNESS: There was a problem with  
25 the software and we had to contact Jim Henderson, he

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1 without my permission and I was not happy with that.

2 Q. I understand that. This is with your  
3 permission and it is for modified testing, right?

4 A. Only reason why I did it was because I  
5 wanted my books to get a jump on the semester and  
6 that is the only reason I agreed to it.

7 Q. Look at document 257, please. This is  
8 an e-mail from Thomas Dick to Darla Ellis dated  
9 12/13/02 at 4:37 p.m., subject tuition payment plan.  
10 Have you seen this document before today?

11 A. Yes, I have.

12 Q. Can you tell me what essentially to the  
13 best of your understanding or recollection this  
14 e-mail involves?

15 MR. ARCHER: I'm going to object to the  
16 question. It is a written document from Tom Dick  
17 that speaks for itself.

18 MS. O'DONNELL: She certainly --

19 MR. ARCHER: Well the purpose --

20 MS. O'DONNELL: You don't have to make  
21 a speaking objection. You made your objection.

22 MR. ARCHER: I'm not making a speaking  
23 objection.

24 MS. O'DONNELL: I'll rephrase.

25 BY MS. O'DONNELL:

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1 made the software, we had to get it fixed. Jim let  
2 him know that he was looking at other payment plan  
3 vendors. He was setting up a meeting in mid January  
4 to meet, saying I didn't respond to his e-mail to  
5 meet him -- to have a meeting with him about the  
6 software and wants to know if I want to be a part of  
7 the review process.

8 BY MS. O'DONNELL:

9 Q. Do you recall how you responded to  
10 that?

11 A. Yeah, it is in the next e-mail 258.

12 Q. What is your response?

13 A. I told him that I did not have time to  
14 meet. If we are under the gun to get -- the HACC  
15 campus is closed down before Christmas break and so  
16 every payment plan application that we received  
17 before we went on break needed the attribute on it,  
18 had to be entered into the system, had to have the  
19 coupons issued out and mailed out of the campus  
20 before we left for break. There was no way that I  
21 can sit in meetings during that time frame.

22 BY MS. O'DONNELL:

23 Q. And the document that you're referring  
24 to is Bate stamped 258?

25 A. Correct.

1 Q. That also carried over on 259?  
 2 A. Yes.  
 3 Q. Now, document No. 277, can you tell me  
 4 whether you've seen this document before today?  
 5 A. Yes.  
 6 Q. What is this memo if you've seen it  
 7 before today? Can you tell us what it is?  
 8 A. It is a letter from e-mail from  
 9 minority caucus.  
 10 Q. It says to go to Getachew Kassahun.  
 11 A. Yes.  
 12 Q. How did you get a copy of this if it is  
 13 not directed to you?  
 14 A. He printed it and gave me a copy.  
 15 Q. What does it say? What is it telling  
 16 you essentially?  
 17 A. That they were having a minority caucus  
 18 meeting and they are inviting people to come to the  
 19 meeting.  
 20 Q. Did you express an interest in  
 21 attending a minority caucus meeting before September  
 22 23rd of 2002?  
 23 A. I don't recall the dates.  
 24 Q. Let me ask the question again. Let me  
 25 see if I can ask it a different way. You agree this

1 caucus.  
 2 Q. How did you get this e-mail?  
 3 A. I don't know if he printed it out and  
 4 gave it to me or if another employee gave it to me.  
 5 I don't know if I was in that group before HACC MC --  
 6 Q. Does that mean HACC minority caucus?  
 7 A. Yes.  
 8 Q. You don't know if you were?  
 9 A. No, I never joined the minority caucus.  
 10 I've never been a member.  
 11 Q. Did you ever attend a meeting?  
 12 A. Never allowed to.  
 13 Q. What if these were being held, it says  
 14 at noon, right?  
 15 A. Yes.  
 16 Q. Did you ask to go to one of these  
 17 minority caucus meetings at noon ever?  
 18 A. No, we were not allowed to attend  
 19 anything like that, whether it was on our lunch hour  
 20 or not.  
 21 Q. 277 is the minority caucus meeting  
 22 being held 12 to 1 on September 26th, 2002. Is it  
 23 your testimony that you did or did not ask to attend  
 24 this minority caucus meeting, to ask anyone within  
 25 the department whether you were permitted to attend?

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1 is a memo that was at least printed out on September  
 2 23rd, 2002?  
 3 A. Correct.  
 4 Q. The meeting was scheduled for September  
 5 26th, 2002?  
 6 A. Correct.  
 7 Q. If you got this from him it had to be  
 8 printed out at least on September 23rd, 2002?  
 9 A. Correct.  
 10 Q. Is it fair to say that at least on  
 11 September 23rd or before you would have been talking  
 12 to him about attending a meeting?  
 13 A. It could have been longer before that.  
 14 I can't give you a time frame as to when I talked to  
 15 him about the minority caucus. It could have been a  
 16 year before that. I don't remember.  
 17 Q. The next document is Bate stamped 278.  
 18 Do you see that?  
 19 A. Yes.  
 20 Q. What is this document?  
 21 A. That is another meeting about minority  
 22 caucus.  
 23 Q. At that point in time would you have  
 24 been a member of the minority caucus?  
 25 A. I never was a member of the minority

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1 A. I did not attend that meeting.  
 2 Q. Did you ask if you could?  
 3 A. I don't recall, but I did not recall  
 4 any of the meetings.  
 5 Q. I understand that you did not attend  
 6 any meetings and I understand your testimony that you  
 7 were not a member, we have that clear. My question  
 8 now is did you ask anybody in a supervisory position  
 9 over you whether you could?  
 10 A. I do not recall.  
 11 Q. Would that be true of the notice that  
 12 is Bate stamped 279 from Helen Wallace, it says  
 13 classified employee listing, next counsel meeting  
 14 October 9th, 2002. Do you see that?  
 15 A. Yes.  
 16 Q. Did you attend a counsel meeting?  
 17 A. No, we weren't allowed to attend.  
 18 Q. Did you ask anyone whether or not you  
 19 could?  
 20 A. No, at one time we were allowed and  
 21 they took it away and I didn't ask if I could attend.  
 22 Q. At one time you were allowed and they  
 23 took it away?  
 24 A. At one time employees were allowed in  
 25 our division and then it was taken away.

1 Q. When were you allowed?  
2 A. I don't know. I don't recall the  
3 dates. I don't recall the times, but I did not  
4 attend that meeting.  
5 Q. When was it taken away?  
6 A. I don't recall the dates.  
7 Q. Next document is Bate stamped 281.  
8 This is another notice of a minority caucus meeting.  
9 Is it fair to assume that you did not go to this?  
10 A. Yes, it is fair to assume that.  
11 Q. And the meeting is scheduled from 12 to  
12 1?  
13 A. Yes.  
14 Q. Did you ask anyone whether or not you  
15 could attend?  
16 A. No, I did not.  
17 Q. Next is Bate stamped 315, e-mail from  
18 Darla Ellis to James Hartman dated August 23, 2002 at  
19 8:34 a.m. and the subject is Professor Hartman. Is  
20 it fair to say, Ms. Ellis, for the sake of expediency  
21 that you're withdrawing from Professor Hartman's  
22 class and this is your notice to him that you are  
23 withdrawing from Accounting 200 class at 10:20,  
24 Monday, Wednesdays, and Fridays?  
25 A. Yes, I was written up and told I had to

1 A. I did not get a response until they  
2 found out I was in classes.  
3 Q. Before or after you sent that e-mail  
4 did you learn of the rule whether employees in your  
5 department were not allowed to take classes during  
6 the day?  
7 A. Yes, I did.  
8 Q. Before or after?  
9 A. It was before.  
10 Q. Before you sent the e-mail asking  
11 permission to have your lunch hour at 10:20 you knew  
12 there was a rule in place saying that employees  
13 within your department do not take classes during the  
14 day?  
15 A. During the day, but I did not specify  
16 during your lunch hour.  
17 Q. Is that the only class that you had  
18 scheduled -- that you had already taken that semester  
19 that you had to withdraw from?  
20 A. Say that again.  
21 Q. Was that the only class you took during  
22 the day that you had to withdraw from at that point?  
23 A. Yes, it was.  
24 Q. I'd like you to take a look at document  
25 381, that is bate stamped. Have you seen this

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1 withdraw from those classes.  
2 Q. Was there a policy in place in your  
3 department or rule in place at your department that  
4 employees were not allowed to take classes during the  
5 day?  
6 A. There was a rule in place, but that  
7 rule does not cover your lunch hour. Your lunch hour  
8 is your lunch hour?  
9 Q. Was yours at 10:20, Monday, Wednesday  
10 and Friday?  
11 A. That is the time I requested.  
12 Q. Did you get it? Were you granted that  
13 request?  
14 A. I was never denied it. Until they  
15 found out I was taking classes, I was never denied  
16 that lunch hour.  
17 Q. Who did you make that request to?  
18 A. Tom Dick and Lori Amspacher.  
19 Q. Was it in writing?  
20 A. Yes, it was. It was an e-mail.  
21 Q. You sent them an e-mail asking whether  
22 it would be okay if you took your lunch hour at  
23 10:20?  
24 A. Monday, Wednesday, and Friday.  
25 Q. And they didn't respond to it?

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1 document before today?  
2 A. What is the blacked out portion?  
3 Q. I was going to ask you that because  
4 that is the way it was produced to us.  
5 A. I seen the e-mail before, but I don't  
6 know what the blacked out portion is.  
7 MS. O'DONNELL: Tom, can you find the  
8 original so we can see whether or not that is  
9 actually a color that we can read through.  
10 MR. ARCHER: Off the record.  
11 (At this time there was a brief  
12 discussion held off the record.)  
13 MR. ARCHER: This appears to be the  
14 only copy that we have in the building. We just went  
15 through, understanding our stuff upstairs is loose,  
16 so that is not any different from the one that you  
17 have there.  
18 MS. O'DONNELL: Can you read any of  
19 this, Tom?  
20 THE WITNESS: All I can see is  
21 something that appears we are discouraging employees  
22 --  
23 MS. O'DONNELL: From taking classes  
24 blah, blah, blah. Seems to me that the lunch hour is  
25 their's to be able to do with what they want, blah,

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1 blah, blah. Appears to be discouraging continuing  
 2 education whether credit -- I can't read any of that  
 3 -- is job related. I think this is particularly true  
 4 for single parents and -- I can't read anything else  
 5 on that line. The something or at the -- I don't  
 6 know. Next sentence would be even or evening  
 7 attendance and then nothing until administrative  
 8 extension to take a known time course seems  
 9 inconsistent with the philosophy of an educational  
 10 institution, blah, blah, blah, consistency across the  
 11 institution. I mean is that the best we have here?  
 12 MR. ARCHER: That is the best we have.  
 13 MS. O'DONNELL: Is that what you can  
 14 read or can you read more?  
 15 MR. ARCHER: I don't know that I can  
 16 read more than that.  
 17 BY MS. O'DONNELL:  
 18 Q. Ms. Ellis, do you know who Doug Hargis  
 19 is?  
 20 A. Ombudsman.  
 21 Q. For whom?  
 22 A. For HACC. He's one of the ombudsman  
 23 for the College.  
 24 Q. Did you present an issue to Douglas  
 25 Hargis?

1 his attention?  
 2 A. I went in and explained my whole  
 3 situation from the day I set foot at HACC, I was  
 4 never allowed to take classes.  
 5 Q. The day you set foot in HACC was 1998?  
 6 A. Yes.  
 7 Q. Do you know whether or not a rule  
 8 within your department would have been instituted in  
 9 1998 where you would have been unable to take classes  
 10 during the day?  
 11 A. No, there was no rule.  
 12 Q. At some point there was a rule?  
 13 A. Yes.  
 14 Q. Do you know whether that rule was  
 15 implemented before or after Mr. Hargis wrote this  
 16 e-mail to Meredith and George?  
 17 A. This was after.  
 18 Q. Do you know whether Mr. Hargis was  
 19 aware of the rule that was implemented in your  
 20 department?  
 21 A. I explained to him the whole situation.  
 22 Q. Do you know whether or not this e-mail  
 23 was ever communicated to Barbara Hutchinson?  
 24 A. I do not know.  
 25 Q. Can you we agree that the rule was

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1 A. Yes, I did.  
 2 Q. Do you know whether or not he wrote  
 3 this on your behalf?  
 4 A. He wrote that to Meredith Tulli and  
 5 George Franklin.  
 6 Q. Regarding employees taking classes  
 7 during working hours?  
 8 A. Yes.  
 9 Q. Do you know why this was not directed  
 10 to Barbara Hutchinson?  
 11 MR. ARCHER: Objection. There is no  
 12 way she can testify as to why Mr. Hargis sent this to  
 13 who he did.  
 14 BY MS. O'DONNELL:  
 15 Q. Ms. Ellis, you testified previously  
 16 that Mr. Hargis wrote this on your behalf?  
 17 A. Yes.  
 18 Q. Did you ask him to direct this e-mail  
 19 or direct this communication to Meredith and George?  
 20 A. No, I did not.  
 21 Q. Did you ask him to direct the  
 22 communication to anyone?  
 23 A. No, I did not.  
 24 Q. What was the substance of your  
 25 conversation with Mr. Hargis when you brought this to

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1 never changed subsequent to this e-mail?  
 2 A. Correct.  
 3 MS. O'DONNELL: That is all I have.  
 4  
 5 (At this time Deposition  
 6 Exhibit Nos. 26 to 55 were  
 7 marked for identification.)  
 8  
 9 (At this time the deposition in  
 10 the above-captioned case was  
 11 concluded.)  
 12  
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C E R T I F I C A T E

I do hereby certify that before the taking of his/her deposition the said witness was by me first duly sworn to testify the truth, the whole truth and nothing but the truth and that the above deposition was recorded in stenotype by me and reduced to typewriting under my supervision.

  
Suzanne Minello-Devine  
Notary Public